



As required by
The Washington State Administrative Procedure Act
Chapter 34.05 RCW

**CONCISE EXPLANATORY STATEMENT; RESPONSIVENESS SUMMARY; RULE
CRITERIA DETERMINATIONS; AND RULE IMPLEMENTATION PLAN**

Relating to adoption of
Chapter 173-26 WAC, *State Master Program Approval/Amendment Procedures and
Shoreline Master Program Guidelines*

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Shoreline Master Program Guidelines*

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December 2003

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I. Introduction

This rule is needed to implement statutory requirements to update the guidelines consistent with SMA policy (contained in RCW 90.58.020), replacing Parts III and IV of chapter 173-26 WAC which were invalidated after administrative review. The 1995 legislature directed Ecology to periodically review and adopt guidelines consistent with SMA policy and integrate shorelines and growth management plans and development regulations. The proposed rule provides updated guidance for local governments and their citizenry and the department in developing and amending local shoreline master program (SMP) policies and regulations. The SMA, these guidelines and locally adopted shoreline master programs plan for and regulate development, uses and activities in shoreline areas throughout the state. The shoreline guidelines have not been comprehensively updated since original adoption over thirty years ago. New guidelines are needed to recognize advancements in science regarding how shorelines should be managed, changes in law, changes in the character of shoreline development and innovations in shorelines and growth management practice.

Specifically, the Shoreline Management Act Guidelines rule addressed herein proposes new sections WAC 173-26-171 through 251 and amendments to WAC 173-26-020 definitions (WSR 03.13.108).

The adoption date of the rule is scheduled for December 17, 2003. The effective date is 31 days after the rule is filed with the state Code Reviser.

II. Rule-Making Criteria Determinations

RCW 34.05.328 requires that an agency adopting significant legislative rules make certain determinations and provide or refer to supporting information. These determinations are designed to ensure that the agency is giving the proposed rule careful scrutiny and meaningful consideration of the policy and requirements of the governing statutes and related laws. This chapter, together with the balance of the agency rule-making file is intended to ensure that the Department of Ecology has complied with that statutory requirement as related to adoption of new Shoreline Management Act guidelines. In accordance with RCW 34.05.328, before adopting a significant legislative rule, an agency shall (make determinations addressing the following nine items, shown in **bold**):

1. **“Clearly state in detail the general goals and specific objectives of the statute [the Shoreline Management Act] that the rule implements.”**

The general goals and specific objectives of the Shoreline Management Act are to fulfill the legislative findings

“that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration,

and preservation. In addition it finds that ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the state. The legislature further finds that much of the shorelines of the state and the uplands adjacent thereto are in private ownership; that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest.” RCW 90.58.020.

The SMA has a specific objective to ensure “a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.”

Similarly, the SMA has the following general goal and specific objectives:

“to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.” RCW 90.58.020

The SMA has the specific goals to ensure that it is implemented so that

“the interest of all of the people shall be paramount in the management of shorelines of statewide significance. The department, in adopting guidelines for shorelines of statewide significance, and local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which:

- (1) Recognize and protect the statewide interest over local interest;*
- (2) Preserve the natural character of the shoreline;*
- (3) Result in long term over short term benefit;*
- (4) Protect the resources and ecology of the shoreline;*
- (5) Increase public access to publicly owned areas of the shorelines;*
- (6) Increase recreational opportunities for the public in the shoreline;*
- (7) Provide for any other element as defined in RCW [90.58.100](#) deemed appropriate or necessary.”*

The SMA also includes the general goals and specific objectives of ensuring that the SMA rely on the adoption of guidelines by Ecology and local government policies and regulations to plan for future land uses, to regulate development and uses, and to regulate alterations of the shorelines that might be done in connection with development and uses:

“the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. Alterations of the natural condition of the shorelines and shorelands of the state shall be recognized by the department. Shorelines and shorelands of the state shall be appropriately classified and these classifications shall be revised when circumstances warrant regardless of whether the change in circumstances occurs through man-made causes or natural causes. Any areas resulting from alterations of the natural condition of the shorelines and shorelands of the state no longer meeting the definition of "shorelines of the state" shall not be subject to the provisions of chapter [90.58](#) RCW.”

“Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.”

The SMA also includes a general goal and specific objective that there be a cooperative program of shoreline management between local government and the state. In this cooperative program, local government shall have the primary responsibility for initiating the planning required by the SMA. Local government has the primary responsibility for administering the regulatory program consistent with the policy and provisions of this chapter. The SMA requires Ecology to act primarily in a supportive and review capacity with an emphasis on providing

assistance to local government and on insuring compliance with the policy and provisions of this chapter. See RCW 90.58.050.

The adoption of guideline rules is an expressly stated goal and objective of the SMA. As part of this express goal, the SMA specifically seeks processes for local government to use in developing shoreline master programs that are consistent with the SMA. There are also goals on how Ecology and other administrative agencies might review local shoreline master programs, which further demonstrates a goal that there be local master programs that are developed and adopted and implemented in a manner that is consistent with the general goals and specific objectives of the SMA, including consistency with guidelines to be adopted and periodically amended by Ecology, to facilitate that goal. See chapter 90.58 RCW.

2. “Determine that the rule is needed to achieve the general goals and specific objectives stated under (a) of this subsection, and analyze alternatives to rule making and the consequences of not adopting the rule”

Ecology has determined that the proposed rules are needed to achieve the goals and objectives of the SMA, which are summarized in item one above. The basis for that determination is that the Legislature has expressly directed Ecology to adopt rules to accomplish such goals and objectives. Further, this determination is based on the rules themselves, the agency record in developing these rules, public comment, the processes for developing the rule prior to formal notice and comment, the agency’s environmental analysis under SEPA, the agency’s economic analysis under RCW 34.05.328 and the Regulatory Fairness Act, public comment.

The alternative of not conducting rulemaking would place Ecology in violation of direction of the Legislature and at risk of judicial review of the agency’s failure to adopt rules. The consequences of not adopting the rules are further analyzed by the public comment and responses, the agency record, and SEPA documentation, and the economic analysis.

3. “Provide notification in the notice of proposed rule making under RCW [34.05.320](#) that a preliminary cost-benefit analysis is available. The preliminary cost-benefit analysis must fulfill the requirements of the cost-benefit analysis under [item four]. If the agency files a supplemental notice under RCW [34.05.340](#), the supplemental notice shall include notification that a revised preliminary cost-benefit analysis is available. A final cost-benefit analysis shall be available when the rule is adopted under RCW [34.05.360](#).”

Although item three as quoted above reflects changes to the Administrative Procedures Act that were adopted after this rulemaking began, Ecology complied with the obligation to provide notification that a preliminary cost-benefit analysis was available. Ecology did this by publishing notice on July 13, 20, 27 and

August 3, 2003 in newspapers in all thirty nine counties of the state, through press releases, various mass mailings and postings on the web. A final cost and benefit analysis is being made available with rule adoption. It may be obtained on the web at: <http://www.ecy.wa.gov/programs/sea/SMA/guidelines>.

4. “Determine that the probable benefits of the rule are greater than its probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented”

Based on consideration of the preliminary and final cost benefit analysis, and consideration of public comment and responses to that analysis, Ecology determines that adoption of these rules will accomplish greater benefits than costs. That determination is made based on and in light of the qualitative and quantitative benefits and costs of the proposed rules. It is furthermore based on the goals and objectives of the SMA summarized in item one, above, which require guidelines by Ecology to ensure consistent and meaningful local government review and updating of shoreline master programs in a manner that accomplishes the general goals and specific objectives of the SMA. The accomplishments are expressly determined to be significant public benefits by the language of the SMA itself.

5. “Determine, after considering alternative versions of the rule and the analysis required under (b), (c), and (d) of this subsection, that the rule being adopted is the least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives stated [in item one].”

Ecology has determined that the rules being adopted are the least burdensome alternative to accomplish the goals and objectives of the SMA summarized in item one. This determination is based on the analysis described in response to items two, three, and four, based on public comment and support for the rule package, and based on the record for the rule.

6. “Determine that the rule does not require those to whom it applies to take an action that violates requirements of another federal or state law.”

Ecology has reviewed the rule and the requirements it places on local governments. Ecology has also considered the requirements that local shoreline master programs which are developed and approved under the rules may place on persons. From both perspectives, it does not appear that the rules require any person to take an action in violation of state or federal law. Among the information in the rulemaking file that supports this determination, Ecology notes that public review and comment has not identified any place where the guidelines would require violation of another federal or state law.

7. “Determine that the rule does not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law.”

The guidelines apply directly to public entities and would not have application to private entities except in narrow or unusual circumstances where no shoreline master program existed, or where the guidelines were used to interpret the purpose or basis of a master program being applied to a private entity. The guidelines, however, do not impose more stringent performance requirements on private entities than public, either directly or indirectly. Indeed, public entities have greater obligations in several regards under the guidelines such as the provisions regarding public access that have more stringent application to public development, and the protection of private property rights which is focused on private entities. This determination is based primarily on the face of the rules themselves, but it is also supported by the public comments which do not indicate any provisions of the guidelines that impose more stringent performance requirements on private entities compared to public entities. This determination is also supported by the economic analysis of the rules.

8. “Determine if the rule differs from any federal regulation or statute applicable to the same activity or subject matter and, if so, determine that the difference is justified by the following: (i) A state statute that explicitly allows the agency to differ from federal standards; or (ii) Substantial evidence that the difference is necessary to achieve the general goals and specific objectives stated under [item one].”

The activity or subject matter of planning for the development and protection of local shorelines is a matter that has traditionally been a subject of state law. There are federal laws that coordinate and build on the state’s SMA, but no federal law directs the review and updating of shoreline master programs by Washington local governments. To the extent that the SMA guidelines compel review and updating that in some way overlaps with federal law, the SMA itself explicitly allows Ecology to adopt guidelines to serve the goals and objectives of the SMA. This determination is based primarily on the face of the rules themselves, but it is also supported by the public comments which do not indicate any provisions of the guidelines that are addressing subjects already addressed by federal laws.

9. “Coordinate the rule, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter.”

Ecology has determined that the rules offer the maximum practicable opportunity for local government and Ecology to ensure that the review and updating of shoreline master programs will be coordinated with other state, federal, and local laws that may affect how local government adopts land use policies and regulations applicable to shorelines. This determination is based on the information gathered through the process of rule development, but it relies primarily on the substance of the guideline rules. The guideline rules seek and allow coordination and reciprocity with federal, state, and local laws, although the guidelines rely on the SMA as their authority and are designed to ensure that local governments will review and update their master programs in a manner

consistent with the SMA. This determination has been further supported by the extensive study and outreach to external stakeholders over the last decade that preceded the formal notice and comment process on the rules. These citizen volunteers from business, environmental, local government, development, and mining interests provided review and input on informal drafts of the rule in the manner contemplated by the APA. This was done before and during informal drafting to ensure that the guidelines were reviewed by persons with a strong interest in ensuring coordination with other state, federal, and local laws.

Moreover, the guideline rules expressly rely on and authorize coordination with the standards of protection for critical areas under the state Growth Management Act, including 2003 updates to that act in SSB 1933. Further, the guidelines expressly invite local government to explore creative means of drafting and developing shoreline master programs policies and regulations to facilitate adoption of local ordinances that are coordinated with the local government's overall GMA plan and regulations.

III. Responsiveness Summary

All comments received by Ecology on the guidelines rule provisions are listed below in summary form together with a response to the comment. Comments have been consolidated when they address a subject in similar ways. The table is organized by comment code and letter number, and subject and comment description with the corresponding response to the comment in the adjacent column. Each comment letter or statement is assigned a number and each comment subject within the letter is assigned a number and a letter when multiple comments were made (e.g. 28a, 28b, 28c...). ***Readers Note: Responses to comments on the environmental and economic analysis prepared for the guidelines are found in the final versions of these documents.***

Appendices to this document contain the names of those who commented organized alphabetically (Appendix A), numerically by commenter (Appendix B) and numerically by comment number (Appendix C). These appendices allow a reader to cross reference by commenter name, commenter number or comment number. The comments and responses are listed alphabetically by subject. A list of parties who have conditionally settled litigation by endorsing the proposal and adoption of new statewide guidelines is listed in Appendix D.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
28f	0166	Administrative Provisions	173-26-201(3)(b)(ii): This states that " . . .local governments shall notify applicable state agencies to identify state interests . . . How will it be monitored to insure it is done?	When master programs are submitted to Ecology for our approval, the agency will ascertain whether this communication with state agencies did take place as a part of the agency to agency consultation process.
52h	0201	Administrative Provisions	The proposal includes provisions for conditional uses but not for variances.	The requirement for inclusion of variance provisions is established in statute (RCW 90.58.100(5) and recognized as a required procedural element of a local SMP in WAC 173-26-191(2)(a)(iii).
58f	0220	Administrative Provisions	Require the use of JARPA by local government.	Local governments have broad authority to establish a permit system for shorelines under RCW 90.58.140. Ecology is limited to specifying requirement for compliance with the SMA which are primarily found in WAC 173-27.. JARPA is not established in law and cannot be required for use. As the creator of the JARPA concept, Ecology continues to support it and urge local governments to use it.
59d	0221	Administrative Provisions	We recommend that the guidelines directly address the appeal process for citizens within the Washington Pollution Control Hearings Board.	The appeal process is defined in the SMA at RCW 90.58.190. The guidelines cannot address or modify this system. Appeals related to the guidelines are reviewed either by the Shoreline Hearings Board, or the Growth Hearings Board.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
80e	0267	Administrative Provisions	This provision approaches an adaptive management approach. We recommend that the principles of adaptive management be included as the model for linking scientific information with management.	It was concluded that a true adaptive management approach is difficult to apply in a comprehensive planning and regulatory system. The intent of the section is to have local and state government give consideration to new information (including the products of any monitoring) that address the perceived effectiveness of the SMPs and the guidelines and to the appropriate responses to it that may be required to assure implementation of the policy of the SMA.
81a	0270	Administrative Provisions	Adoption by reference has the effect of doubling the number of regulations and plans.	The SMA requires that Ecology approve the local government SMP and any amendments to it. This must necessarily include any other ordinances incorporated by reference. Local government may choose not to use this mechanism or may choose to amend the master program periodically to address changes to the other ordinances.
91b	0285	Administrative Provisions	Are appeals adjudicated on the basis of the guidelines or just the SMA?	See RCW 90.58.190(2)(b). It provides that the reviewing Board applies the policy of the SMA and the applicable guidelines.
14a	0127	Agriculture	We are adamantly opposed to statewide regulations that usurp payment [from federal conservation programs] to individual landowners through regulatory means implemented at the local level.	The proposed guidelines do not address reduction of payments to farmers for conservation easements and similar programs. The provisions of 90.58.065 clearly identify participation in federal conservation programs as an agricultural activity.
16t	0130	Agriculture	The draft guidelines penalize people who want to convert land into agricultural production.	Development of new agricultural land must conform to the requirements of the master program just like any other new use.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
19	0153	Agriculture	The current definition of the agricultural exemption for SDP's under RCW 90.58.030(3)(e)(iv) say that agricultural activities are exempt, period, end of story. Feedlots, for example, are exempt.	RCW 90.58.030(3)(e)(iv) states that a "feedlot of any size...shall not be considered normal and necessary farming and ranching activities" and is therefore not included as an exempted agricultural use. Further, the exemption applies only to the requirement to obtain a substantial development permit. It does not apply to conditional use permits and variances. And all "development" as defined by RCW 90.58.030(3)(d) must be consistent with the local shoreline master program, the guidelines, and the Shoreline Management Act. Please see RCW 90.58.140(1).
79c	0266	Agriculture	Why don't the guidelines mention grazing?	Grazing is an agricultural activity covered by the requirements of 173-26-241(3)(a).
82b	0274	Agriculture	RCW 90.58.065 should be cited in 173-26-241(3)(a)	The provisions of 173-26-241(3)(a) directly address the requirements of 90.58.065. Agricultural organizations (see list) were party to the settlement and agreed that the current language in the guidelines reflects the law properly. Adding more to the text is not need because anyone reading the guidelines should also be reading the SMA.
94b	0299	Agriculture	Need guidance for regulating Ag on shorelines	The provisions of 173-26-241(3)(a) address agriculture in accordance with the SMA.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
11, 16d	0115, 0130	Agriculture	The provisions of ESHB 2305 do not provide Ecology with any authority to require local jurisdictions to regulate agricultural activities within a shoreline area. The draft guidelines penalize people who want to convert land into agricultural production. Agricultural activities are repeatedly cited for regulation throughout the various environments.	The provisions of RCW 90.58.065 (ESHB 2305) place limits on regulation of agricultural uses on land currently in agricultural use. The provision also clearly and specifically requires that the SMP include regulations for new agricultural activities, conversions and non agricultural uses of agricultural lands. Additionally these provision specifically state that the exemption applicable to agricultural uses is not altered. The SMA does not contain a 'blanket exemption' for agricultural activities. No activities that meet the statutory definition of "development" may be undertaken unless they are consistent with the Shoreline Management Act (SMA) and the local master program. RCW 90.58.140(1). Several agricultural activities are specifically listed as NOT falling within the exception from the substantial development definition. RCW 90.58.030(3)(e)(iv). Therefore in order to properly facilitate agricultural use, agricultural land must be properly identified in the inventory process and regulations that assure agricultural uses are allowed incorporated into the SMP. Failure to do so would obstruct agricultural use in violation of RCW 90.58.065.
74z	0261	Aquaculture	The definition of aquaculture does not clearly include "harvest of naturally occurring fish or shellfish resources" If Ecology's intent is that local government should regulate such harvest activity the definition should be expanded	The guidelines do not authorize or deauthorize regulation of any activity or use. The requirements of the SMA establish the regulatory obligations of local government. Some of the mentioned activities clearly fall within the definition of development and some do not. Local government also has some latitude to decide what shoreline uses are appropriate.
83a	0275	Aquaculture	Subsistence shellfish beds should be included in the list of areas likely to be critical saltwater habitat.	Change made to include subsistence shellfish beds with commercial and recreational.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
58k	0220	Archaeological & Historic Resources	Currently the local Historical commissions or the State Historic Preservation officers ensure projects are compliant with federal regulations.	Inclusion of an Archaeological and Historic resources element in local SMPs is a requirement of the SMA (90.58.100(2)). The intent of the provision is to assure coordination of such requirements by local government.
74aa	0261	Boating Facilities	Add the following language to 173-26-241(3)(c):Boating facilities over tidelands and bedlands of the state will obtain, if needed a lease with DNR for the designated use.	Prior versions of the guidelines included references to other laws which may apply. This often attracted opposition from local government because it put them in a position to assure compliance with other laws. This version of the guidelines attempts to limit such references to those that have a direct relationship to compliance with the policy and provisions of the SMA.
91r	0285	Boating Facilities	241(3)(c) This section appears to apply to marinas, If so it should state what is included and what is excluded.	The stated intent in the section is that it does not apply to docks serving four or fewer residences so the appurtenances to such docks would also generally not be required to comply with these requirements. These would generally be addressed through the docks and piers section.
20	0154	Buffers & Setbacks	Please provide for flexibility that recognizes local conditions, where in some cases a very large buffer may be required to protect ecological functions and in others quire a narrow buffer would be needed.	The guidelines provide that where used, buffers should be based on the setting and scientific information related thereto.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
31a, 57c	0172, 0219	Buffers & Setbacks	The amount of shoreline I own with the 100 foot setback is about one acre. If the setback is increased to 200 feet there will be two of my five acres that I cannot use as my own without another permit and more shoreline restrictions.	The proposed guidelines contains no specific, mandated setbacks. Shoreline setbacks are determined by local governments through a public process of amending their shoreline master program. Two hundred feet is the width of "shoreland" adjacent to certain rivers, lakes, and marine waters <i>where the Shoreline Management Act applies</i> . That distance was chosen by the legislature in 1971. Please refer to Chapter 90.58.030(2)(f) RCW for the definition of "shoreland".
61a, 66, 83c	0224, 247, 275	Buffers & Setbacks	Increased setbacks could dramatically reduce the value of property.	The guidelines do not require any specific setbacks. They require local government to address the impact of new development in a manner that results in no net loss of shoreline ecological functions. Specific measures, potentially though not necessarily including setbacks will be based on the specific setting and uses being addressed. Provision is also made to assure that any resulting regulations do not unreasonably or unlawfully impair the use of private property.
23c	0151	CMZ	The definition of channel migration zone means that land protected by long-time dikes can now be treated as floodways.	The CMZ definition is (6) "Channel migration zone (CMZ)" means the area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings." It is up to local government to identify the CZM taking into account the characteristics of the river and its surroundings. When local government identify the CZM it will be necessary to take into account the characteristics of the river and its surroundings, including constraints to migration such as existing dikes, levees, and roads.
72f	0259	CMZ	SMA can't regulate in the CMZ where it is beyond the SMA jurisdictional area	The Principles section of the guidelines (WAC 173-26-186(6) acknowledge that the regulatory function of an SMP is "limited to the territorial limits of shorelines of the state."

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
91s	0285	Commercial Development	Would a restaurant with a dock be considered a water enjoyment use? Would a mixed use development without water dependent uses be allowed	A properly designed restaurant is considered a water-enjoyment use and thereby a water-oriented use. Mixed use projects that do not include water oriented uses or other public benefits are not consistent with the use preference policies of the SMA. Such uses can be located elsewhere while water oriented uses have a reasonable basis for being on the shoreline. However inclusion of substantial public access may in a development may be adequate in some locations to consider the use as water oriented.
3c	0079	Cost/Benefit Study	Ecology should do a cost/benefit study on the rules.	Ecology produced and distributed a benefit/cost study to those persons requesting a copy.
100	0311	Critical Areas	a mis-quote in 173-26-221(2) re 173-26-020 or 173-26-220	Comment noted and change made.
46g	0193	Critical Areas - Wetlands	And prior wetlands touted as such great water filterers to prevent pollution, when King County puts DOE quotes extensively, requires that artificial wetlands be built to protect the natural wetlands from pollutants.	Comment noted.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
16h	0130	Critical Salt Water Habitats	The standards for critical saltwater habitats prohibits structures in and over them unless the project is consistent with the state's interest in resource protection and species recovery. How is the general public supposed to know whether a project is consistent with the state's interest?	As the local government develops its master program it will consult with state agencies as to the State's interests. Once the SMP is adopted at the local level it will be submitted to and reviewed by Ecology and other state agencies with regard to compliance with the guidelines which will include consideration of whether or not the State's interests are protected in accordance with the guidelines and the law. Upon approval by Ecology the SMP will be a comprehensive policy and regulation that addresses the State's interests and thereby compliance with the SMP will assure protection of the State's interests.
60k	0222	Critical Salt Water Habitats	How are critical shellfish areas defined?	These should be determined locally in light of reasonable scientific criteria and inventory information.
73	0260	Critical Salt Water Habitats	Add shellfish growing areas to the list of critical salt water habitats.	Commercial and recreational shellfish beds are identified as critical areas in the critical saltwater habitats section of the critical areas section.
87a	0280	Critical Salt Water Habitats	The provisions could be interpreted to require a CUP for normal maintenance & repair in critical saltwater habitats.	Critical saltwater habitats are characteristically intolerant of disruption and therefore the broad direction to apply the CUP process to all development in those areas is appropriate as a means of assuring no net loss of these valuable areas. Local governments still have some latitude to fine tune how and when such a requirement is carried out within the local SMP.
89c	0282	Critical Salt Water Habitats	Practically everything is considered "critical" in the rule.	All of the listed areas are identified in scientific literature as making a significant contribution to the overall values of the State's saltwater areas and being relatively intolerant of disruption. However the requirements of the section allow some development to occur when the criteria for need and mitigation are met.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
28b	0166	Cumulative Impacts	173-26-186(8)(d): Cumulative impacts assessment could prove to be a daunting task for local governments. Since only the large coastal counties have the environmental staff to do these assessments and to interpret reports produce by consultants, local government will likely ask technical assistance from WDFW to develop these regulations, as well as implementation expertise. SMA permits and enforcement orders are easily appealed and this section could significantly increase WDFW's work load.	See 173-26-201(3)(d)(iii) for more detail on the level of expectation. Consultation by local government with WDFW on cumulative impact issues can be expected however given the 11 year implementation schedule the workload impact should not be significant. Given that WDFW's mission includes seeking appropriate protection of habitat, WDFW will likely need to plan for meaningful participation in preparation and review of local SMPs. It seems less clear why WDFW's workload would be affected by future permitting under revised SMPs.
72d	0259	Cumulative Impacts	Cumulative impact analysis should not result in exceeding the "no net loss" standard.	Comment noted
76j	0263	Cumulative Impacts	173-26-201(3)(d)(iii) Should say "private" docks and piers could interfere with navigation.	The cited provision is an example of cumulative impacts and could reasonably be true for public or private docks therefore the change is inappropriate.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
91e	0285	Cumulative Impacts	173-26-201(3)(d)(iii) We are having trouble following this guidance on cumulative impacts, especially the meaning of the last sentences of the 3rd & 4th paragraphs.	The 3rd paragraph states that "Policies and regulations of a master program are not inconsistent with these guidelines for failing to address cumulative impacts where a purported impact is not susceptible to being addressed using an approach consistent with RCW 90.58.100(1)." Section 100(1) of the SMA establishes requirements to use all available information. The intent of this sentence is to clarify that SMPs cannot be faulted for not addressing cumulative impacts where it is impossible to determine the effects of those impacts with existing information. The 4th paragraph states that "Local government shall fairly allocate the burden of addressing cumulative impacts." This is a general reminder that in addressing cumulative effects, as in all areas of SMP development, the planning function of the SMA is a community-wide endeavor.
8c,60g	0097, 0222	Cumulative Impacts	The requirement to analyze the cumulative effects of regulated and unregulated activities is excessive. Without data on the ecological functions that exist, the level to which they perform, as well as the infrastructure necessary to track this kind of data over time, this analysis will fall well short of the intended purpose.	Looking at the future result of development patterns and actions is a basic planning function. Achievement of the policy goals of the SMA requires effective planning which clearly includes estimation of the result if a particular plan is carried out. A thorough and effective cumulative impacts analysis can be conducted without perfect knowledge of the shoreline environment or the future development by using reasonable estimations of demand for shoreline development; projections of the types of development, densities, site layout and mitigation measures that a proposed regulation would engender; and the inventory information about the characteristics of the shoreline environment. The scale of analysis will vary with the community, the land use involved and the character of the environment.
89a	0282	CZMP	The guidelines will make it difficult for the COE to comply with the CZMP	The specific concern that is the basis for this comment is not identified. The State of Washington has the legal authority to decide the content of its CZMP and our intent is to submit these guidelines for inclusion in our CZMP. The guidelines may well change the way specific projects are conducted in the State by the Corps.

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89e	0282	CZMP	SMPs become part of the CZMP and they do regulate dredging	Dredging has been regulated by the Shoreline Management Act since its passage in 1971. The Corps of Engineers, as a federal agency, has been obligated to conduct its business in a manner consistent with the SMA since approval of Washington's CZMP in 1976. These guidelines do not and cannot change the basic regulatory provisions of the SMA that have been in place since passage of the act.
22e	0156	Definitions	Several things lack definitions: Significant impact; low intensity agricultural; low intensity single family development; critical freshwater habitat.	Specific definitions of these terms is not necessary as their meaning is that which is found in any standard dictionary and they are not intended to be used with unique meaning specific to this regulation. How the terms apply will reasonably vary based on the physical and cultural setting of the local community developing an SMP.
28h	0166	Definitions	173-26-221(2)(c)(iv): Critical freshwater habitats need to be defined. "Critical" is used in several contexts now (GMA & ESA).	Freshwater habitats vary greatly across the state and that which is critical in one area is unknown or relatively unimportant in another. The concept of the section is that each local government will identify what areas are critical based on the principles.
28j	0166	Definitions	173-26-020 definition 34, "significant vegetation removal", is based on "significant ecological impacts", which has been struck from the new guidelines. The definition uses one of the defining words (significant) within itself, and thus does not really give the reader an idea of what it's all about.	The definition is sufficiently clear as to what is or is not sufficient vegetation removal to be useful in the context of guiding local government in updating SMPs. Individual SMPs may need to address the issue as appropriate for an individual jurisdiction.

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33e, 58d	0174	Definitions	The term "significant ecological impact" is used through out the proposed guidelines, but the definition has been removed from WAC 173-26-020. How is anyone going to be able to quantify what a significant ecological impact is?	Adequate definition of the terms are found in the dictionary and further illuminated by court interpretations. Its use in the guidelines is intended as a general threshold for local government to apply and not as a specific quantifiable standard. It is used in the context of objective inventory of ecological functions and can show when ecological impacts are significant.
47a	0194	Definitions	You have lumped wildlife into the definition of priority species and endangered species. Dept. of F&W does not have authority to do that right now, they can only do fishes.	The SMA provides for the protection of aquatic and terrestrial resources. It does not seem necessary to change the words. Assuming WDFW lacked such authority, then no fish species would be listed by WDFW.
72a	0259	Definitions	"Feasible" and the ESA definition should be removed.	Comment noted and change made accordingly.
74dd	0261	Definitions	Add DNR def. of "Aquaculture"	Aquaculture is adequately described in 173-26-241(3)(b). A more specific definition is not necessary. Local government has the ability to apply appropriate definitions from other sources where necessary.
77a	0264	Definitions	Should and Shall are synonyms and leave very little local discretion.	Each term is defined in WAC 173-26-020 and they are not synonyms. As used, the terms leave precisely the level of latitude to local government that is necessary to carry out the policy of the SMA. The term "should" is not as directive, it includes a degree of latitude that local government will need to carry out the broad policies of the SMA.
81d	0270	Definitions	Priority Species, Priority Habitat, Water Dependent (bridges), May	See the definition section of this proposed rule WAC 173-26-020.

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84a	0276	Definitions	Consistency of no net loss & cumulative impacts with federal agencies.	To our knowledge the federal government only uses "no net loss" in relation to wetland impacts and except as specifically applied to wetlands, there is no equivalent standard for the "no net loss of shoreline ecological functions". Similarly the cumulative impacts analysis of the guidelines is first a planning requirement that has no corresponding federal requirement. Whether, analysis of cumulative impacts at the project level would meet the requirements for similar consideration at the local level will be largely dependent on the provisions of the local SMP.
86b	0279	Definitions	Cumulative impact as used here is different than its SEPA definition.	The use of cumulative impacts in the guidelines is only slightly different from its use in SEPA. The requirements for cumulative impact analysis have been tailored to the specific planning requirements of the guidelines as necessary to achieve the policy goals of the SMA.
86f	0279	Definitions	Ensure, assure, insure: You can guarantee environmental protection.	As provided by a standard dictionary, the terms are essentially interchangeable and convey certainty of purpose.
86h	0279	Definitions	Adaptive Management and the ESA	Adaptive management is not the exclusive property of the ESA. The term and the concept behind it are useful in the context of the section as one of several reasonable thresholds for undertaking a future comprehensive update of the SMP.
91u	0285	Definitions	020(18) "Grading" is defined but is it used in the text.	Grading is used multiple times in the text. The definition is actually a holdover from WAC 173-16.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
46b, 60d, 60f, 60j, 74b, 58d, 75b	0193, 0222, 0261, 0262	Definitions	No definition is given for "environmental degradation", "Legally Existing", "Scientific Information", "Passive and active recreation", "emergency", "imminent", "debris", "development" and "use", "significant vegetation removal", "impaired", "degraded", "Appurtenant Structures", "Exempt", "OHWM", "Primary structures"; "Priority uses" .	Standard dictionary definition of these terms is adequate as no special meaning is attributed for purposes of this regulation or the terms are defined for SMA purposes in RCW 90.58.030, WAC 173-27-030 and 040, and the definition section of this proposed rule WAC 173-26-020..
35e, 21d, 36e, 52n, 24	0001, 0178, 0155, 0179, 0201,	Definition-Water Dependent	Hydroelectric dams and sewer treatment plant outfalls are no longer defined a water-dependent uses. DNR would like "sewer outfalls" removed from the definition of "water-dependent use".	Both terms are deleted from the list of examples of water-dependent uses which does not necessarily mean they would never qualify as water-dependent, only that they are not good generic examples of water dependency. At the generalized level of the guidelines, both are more accurate examples of water-related uses in that generation of electricity or disposal of wastewater can and does occur in non-shoreline locations and the reason for a shoreline location is the economic viability of the use.
42a	0186	Definition-Water Dependent	I want to stress the importance of protecting the shoreline dependent uses.	Comment noted.

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74x	0261	Dredging & Filling	In 173-26-231(3)(c) delete the phrase "disposal of dredge material considered suitable under and conducted in accordance with the Puget Sound Dredge Disposal Agreement" Dredged material disposal and fill have different purposes.	Striking the provision under this section would mean such deep water disposal of dredge material would be prohibited. This disposal activity is clearly within the definition of fill and appropriately so. This provision assures that dredge material disposal is provided for and properly considered through the Shoreline Management Act system.
76i	0263	Dredging & Filling	173-26-201(3)(c)(iv) should specifically identify dredge material disposal sites as areas of special interest.	The provision has been modified to include the requested reference.
89d	0282	Dredging & Filling	Is channel dredging considered water-dependent? Why is it considered a conditional use?	Navigation and marine commerce are central to the concept of water-dependency. Dredging where necessary for the proper accommodation of navigation and commerce is an activity that supports a water dependent use. Many existing master programs identify dredging and or dredge material disposal as conditional uses today. In this case, the conditional use provision assures proper consideration of statewide interests by assuring that the State concurs in the local shoreline decision. Most dredging occurs in Shorelines of Statewide Significance and proper consideration of statewide interests is a key requirement for development in such locations.
91p	0285	Dredging & Filling	231(3)(f) The third paragraph leaves open the possibility that of approval of dredging for fill through some process other than a CUP.	The provision establishes when dredging for fill is necessary for a MTCA or CERCLA habitat restoration project, it would be allowed without a CUP. The section also provides for the unknown situation where dredging for fill might be appropriate or necessary for other habitat projects by allowing a CUP for such situations.

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53b	0202	Drift Cells	The procedure for drift cell analysis is not well defined nor is the benefit of doing this expensive analysis.	The cited requirement for drift cell analysis is a planning level requirement for local government. In the marine environment, an understanding of the character and extent of drift cells is basic to making management decisions for the area and adjacent uplands. Obtaining this information is part of the inventory process and substantial information on drift cell in Washington's marine waters exists.
80f	0267	Ecological Functions	The guidelines appear to focus on functions and not on the process that construct and maintain them	If the processes are necessary to their maintenance then protection of the functions clearly requires maintenance of the processes to the extent feasible under the SMP.
14b	0127	Economic Impact	We oppose adoption of the guidelines: Based on information contained in the EPB&C & the Draft SBEIS it is our opinion implementation of this regulatory program will further decimate the economy of Washington State & the welfare of its citizens.	It is our view that the studies cited show that the value of healthy functioning shorelines including, fish and wildlife values, recreational use etc far outweigh the rather minimal impact of these regulations on business and job creation.
35c	0178	Economic Impact	We're going to see consultant fees for permit applicants soar.	Comment noted.
43a	0187	Economic Impact	There was not a cost impact study for single family residence development and I would like to request that one be considered.	The guidelines have been evaluated for overall costs and benefits. A specific effort to evaluate the impact to single family residential development would not be very useful or feasible as the guidelines do not specify regulatory provisions. Each local government will develop regulatory provisions based on information about their particular setting.

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75f	0262	Economic Impact	The statute requires use of economic information in SMPs, but the guidelines do not.	The guidelines clearly recognize in 173026-191(1)(b) that an economic development element is required. The guidelines repeatedly reference compliance with 90.58.100(1) as the standard of scientific and technical information to be applied.
74l	0261	Ecosystem-Wide Processes	The prescribed approach to characterization requires only the identification and assessment of ecosystem wide processes but not of local processes.	The difference between ecosystem-wide processes and ecological functions may sometimes be unclear; the process for identification and analysis of the natural system of the shorelines is adequately described to provide meaningful guidelines for shoreline management purposes. The relative scale and scope of such consideration will vary greatly among local governments based on the setting, size, growth pressure etc.
35f	0178	Environment Designation - Natural	The natural environment designation, which allows virtually no development, is defined in such a general manner that it could literally apply to most of rural Washington, and is going to be dependent on Ecology staff at this point to make that interpretation, which is troublesome.	The natural environment is to be applied to areas that are "relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use". Rural areas of the state characterized by farms and commercial forests do not generally qualify as intact or minimally degraded. Such areas are far more likely to be categorized as Rural Conservancy.

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23a, 60a, 69c	0151, 0222, 0256	Environment Designation - Rural Conservancy	What information supports the requirement limiting development to 10% lot coverage? Where is the study showing that sandy soil soaks in the same amount of water as clay soil? Why is Ecology using one-size-fits-all for rural areas but not for urban areas? Please raise it to 35% so as not to lead to a taking.	Numerous studies identify 10% Total Impervious Area as a threshold at which the character of runoff from impervious surfaces changes the character of a watershed and degrade ecological functions. See, for example, research by the University of Washington's Center for Water and Watershed Studies at http://depts.washington.edu/cwws/ . The purpose of the provision is to provide a point of evaluation as to whether the requirements of an SMP adequately implement the policy of the guidelines with regard to the Rural Conservancy environment which is intended to preserve the existing character and ecological functions of the area. Local government has flexibility as to the manner in which the purposes of the Rural Conservancy environment are implemented. On a five acre parcel, 10 % impervious surface is approximately 22,000 sq. ft which generally is more than a house, normal outbuildings and paved surfaces would add up to. For example this area would accommodate a house with a footprint of 4000 Sq. Ft., a barn or other outbuilding(s) with a footprint of 7000 Sq. Ft. and still have room for more than 10,000 Sq. Ft of paved patios, walkways, parking areas, and driveways.
70c	0257	Environment Designation	In 173-26-211(2)(e)For undesignated shorelines, delete the provision for a default designation.	The proposed change fails to properly protect shorelines in compliance with the requirements of the SMA. Local governments are required to designate all shorelines properly however it is recognized that sometimes parcels are missed due to mapping or other errors and this provision provides an appropriate method to assure protection.
70d	0257	Environment Designation	Reinstate the "Rural" environment from the previous guidelines to better accommodate commercial uses in rural areas.	The Rural-conservancy environment is intended to encompass both the rural and conservancy from the previous guidelines. The Urban conservancy environment also is intended for use in rural areas of intense commercial or industrial development. In addition to the six environments provided, local government may add environments or sub-environments to accommodate local circumstances or unique development situations

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74n	0261	Environment Designation	In 173-26-211(2)(e) the "default designation should be "natural " rather than rural conservancy.	Local governments are required to designate all shorelines properly however it is recognized that sometimes parcels are missed due to mapping or other errors and this provision provides an appropriate method to assure protection. The rural conservancy environment provides a appropriate level of protection in these circumstances.
81e	0270	Environment Designation	There does not seem to be any allowance for existing commercial and industrial uses in rural areas.	The Urban conservancy environment also is intended for use in rural areas of intense commercial or industrial development.
83b	0275	Environment Designation	The guidelines do not adequately delineate criteria for designation allowing areas that should have greater protection to be designated for more intense development.	The environment designations are necessarily broad to provide statewide applicability. The appropriate designation and level of protection is a decision to be made by each community based on the guidelines.
91f	0285	Environment Designation	Not all environment designations are restricted to shoreline segments. For example the Aquatic Environment pertains to areas waterward of OHWM.	The water area may be considered a segment for this purpose. In addition local government may choose to have more than one aquatic environment or to assign other environment designations to certain segments of the water area.
69b	0256	Environment Designation - Natural	Please strike the CUP requirement in Natural for single family residences - the issue should be based on performance standards	The provision for allowing residences by CUP in the natural environment was a compromise. Many argue that residential use is incompatible with the concept behind the natural environment. The CUP requirement allows such use when and where, based on the specific situation and with appropriate terms and conditions, it can be found to be consistent with the policies of the environment.

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22f	0156	Environment Designation - Aquatic	The aquatic environment definition appears to lead to parallel environment designations on all shorelines.	Clearly, the water areas of the state are distinct from the adjacent upland in terms of character and management issues and therefore a separate environment designation is appropriate in many circumstances. Local government has other options available to address this issue so long as the values represented in the aquatic environment are properly addressed.
74p	0261	Environment Designation - Aquatic	Add the following language to WAC 173-26-211(5)(c)(ii)(B): The size of new over-water structures should be limited to avoid ecological impacts to the maximum extent possible; while providing for water dependent needs. Applicable state and federal managers will assess ecological impacts.	The suggested change is inappropriate. The aquatic environment may be applied in a wide variety of water areas; using this provision to limit all over water structure to water-dependent uses does not appear to be consistent with the overall intent of the SMA. The provision immediately above this one calls for allowing new over water structures in the aquatic environment to water dependent, public access and ecological restoration uses. The standard of environmental protection in the guidelines is clearly established as "no net loss of shoreline ecological functions". The SMA is specifically designed to authorize local involvement in these decisions while not abrogating any other state or federal authority.
85b	0277	Environment Designation - Aquatic	Uses in the aquatic designation are limited to water-dependent use. If hydropower is not water-dependent it would be prohibited in the aquatic environment.	See response to comment 35e. The prohibition on over-water uses that are not water dependent does not apply to instream structure such as dams. Where appropriate and consistent with the overall intent of the SMA and the guidelines local governments can classify uses based on existing circumstances. Being water-related places a use very high in the overall hierarchy of uses of the shoreline.
74o	0261	Environment Designation - Natural	173-26-211(5)(a)(iii)(C) should be amended to add feeder bluffs, drift cells, estuaries of river deltas...	The guidelines are a statewide document including many areas with no saltwater areas. The existing language is adequate to cover the issues addressed such that local governments with marine waters could adopt such a standard if it so chooses. On a statewide basis the proposed additions may bring areas into consideration for designation as natural that have substantial existing uses that are not consistent with a natural designation.

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74q	0261	Environment Designation - Urban Conservancy	Strike the reference to allowing water related or water oriented uses in the Urban Conservancy Environment.	The change proposed is not appropriate. The whole point of the Urban Conservancy environment is to accommodate uses that could function in a manner that is compatible with the environmental values of the area. This should certainly include recreational facilities with a water orientation.
4b	0089	Exemptions	To exempt single family houses from meaningful regulations will result in non-achievable goals.	The exemption of Single family residences (SFR) is statutory and cannot be altered by these guidelines. SFRs are exempt only from the requirement to obtain a substantial development permit. They are not exempt from compliance with the Shoreline Management Act, its implementing rules, and the local shoreline master program. In some circumstances SFRs are required to receive an approved Shoreline conditional use permit or Shoreline variance.
58h	0220	Exemptions	Maintenance of our existing infrastructure should be exempt.	The statute provides an exemption for normal maintenance and repair of existing development, and as a general matter this also applies to conditional uses whether pre-existing or under permit.
58b	0220	Exemptions	The exemption provisions cause confusion because there is no prescribed process.	The guidelines do not address the issue of exemptions from the permit system because they are covered by the provisions of RCW 90.58.030 and 140 and WAC 173-27-040. Decisions on exemptions are a duty of the local government under the SMA system.
74e	0261	Exemptions	The guidelines should state that exemptions or less stringent regulations placed on single-family residences may have a significant overall cumulative impact that must be considered.	The proposed change is unnecessary. The guidelines require that local government address the cumulative impact of single family residential development and the impact of shoreline modifications that are allowed by the local plan.

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85c	0277	Exemptions	To be regulated activities must first fall under the definition of "substantial development"	Your reading of the statute is incorrect. The provisions of 90.58.140(1) clearly require that local government have a regulatory system capable of assuring that "a development shall not be undertaken unless it is consistent with the policy of this chapter and after adoption or approval...the master program." Development is defined in 90.58.030 to include a wide range of actions. Substantial development is defined as a subset of development. Further, A local master program is defined in 90.58.030(3)(b) as "comprehensive use plan for a described area" and further described in the SMA (90.58.100(1) constituting "use regulations for the various shorelines of the state"
86j	0279	Exemptions	We are concerned that an exception is not provided for stabilization of seismically endangered structures.	See RCW 90.58.030 Definition of Development and Substantial Development and WAC 173-27. Exemptions from the substantial development permit requirements. Whether or not such actions are exempt is primarily controlled by these provisions of statute and regulation and by the specific terms of the local SMP.
35d	0178	Flood Hazard Management	Division of land or development in areas that could flood or erode at sometime in the future will be nearly impossible. No development will be allowed in areas that might require a shoreline modification such as a bulkhead.	Avoiding development in dangerous places is a fundamental principle of effective land use planning, as prevention is always the most effective cure. Shoreline Master Programs should minimize threats to public safety and infrastructure and also protect dynamic shoreline environments.
52e	0201	Flood Hazard Management	The provisions for flood hazard management should be clarified to apply only to non-marine areas.	While the focus of the section is on riverine flooding, flooding that result from tidal overflow and wave action can be serious flood hazards that should be addressed within an SMP.
74r	0261	Forest Practices	ESHB 1933 includes provisions limiting applicability to forest practices that are not included.	Comment noted and change made. The change was placed in 173-26-221(2)(a).

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56b	0205	Governing Principles	Typographic Error	Numeric reference has been corrected
8a, 86e	0097, 0279	Governing Principles	"Governing Principles" were used to negotiate and arrive at the proposed rule language. That this negotiating platform is included in the proposed rule and elevated to the same legal status as the WAC for interpreting RCW 90.58 is entirely inappropriate.	Inclusion of the governing principles is intended to assist Ecology, the local governments and other users of the guidelines in understanding and interpreting the guidelines over time by explaining the framework used to development them within the context of the statute. The introductory provision has be amended to clarify the intended use.
46f	0193	Gravel Mining	As to the virtual prohibition of mining in streams, surplus gravel removal accomplishes two goals. It prevents flooding and supplies indispensable gravel without land mining, to which neighbors invariably object strenuously.	There is substantial evidence that mining in streams has little or no benefit to flood prevention and substantial evidence that it results in harm to shoreline ecological functions as a result of destabilization of the river channel. Nonetheless, provision is made for allowing gravel removal from in streams where it can be demonstrated that it will not have adverse impacts to the hydrological or ecological character of the stream.
3a	0079	Guidelines General	The guidelines are too extreme & arbitrary.	The guidelines are the product of more than thirty years experience implementing the Shoreline Management Act and eight years of focused work directly on the guidelines with input from thousands of people. The guidelines were agreed to by the parties participating in the settlement negotiations that resulted from the previous guidelines litigation. Hence they are the product of a long, thorough, and public development process.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
3b	0079	Guidelines General	The new rules essentially prohibit or make financially not feasible most shoreline activity.	The prohibitions are generally aimed at preventing certain types of development at inappropriate shoreline locations, not all shoreline locations. These are necessary to maintain consistency with the Shoreline Management Act. Your comments do not identify any example where the proposed guidelines would require an essentially blanket prohibition of development.
4a	0089	Guidelines General	Too many compromises towards development interests have once again created policies where ambiguity will prevent any real improvements.	Like all laws and rules proposed guidelines must balance many factors as required by the Shoreline Management Act (Act). Paraphrasing the Act some of these factors are, planning for and fostering all reasonable and appropriate use; promoting and enhancing the public interest; protecting against adverse effects to the public health, the land and its vegetation and wildlife; protecting generally public rights of navigation and corollary rights incidental thereto; and protecting private property rights. The proposed guidelines necessarily reflect the balancing of the mandates of the Act and the interests of the many citizens, communities and organizations participating in their continued development. The guidelines reflect these values but also propose to substantially improve protection of environmental values based on scientific information gained since the original guidelines were written.
4c	0089	Guidelines General	That new developments will have to fully comply does not mean much since the shorelines are currently overwhelmingly developed.	Washington State contains over 25,000 miles of marine, river and lake shoreline under Shoreline Management Act jurisdiction. The majority of those shorelines are undeveloped forest, farm, and grazing land. The primary means of insuring their development and protection is rationally planned and executed is to have state guidelines and local regulations in place before inappropriate and irreversible damage begins. On those shorelines that are developed, the experience of the last 30 years is that redevelopment will occur and that significant improvement in protection of environmental values will result.

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5	0092	Guidelines General	We oppose adoption of the Guidelines because Ecology and the previous guidelines are ineffective. If Ecology cannot protect the shorelines then this is merely another land-grab to try and control the people.	The Shoreline Management Act (SMA) requires that Ecology adopt guidelines. The guidelines and the local shoreline regulations they engender have undoubtedly prevented much unnecessary harm to Washington's shorelines and facilitated their development in a more coordinated and rational manner. As with many land use and environmental regulations, it is difficult to measure their overall effect because the inappropriate development they prevented is rarely recorded. The SMA requires a balancing of many factors in addition to environmental protection such as fostering all reasonable and appropriate use and protecting private property rights. It is not intended to prohibit all development.
16p	0130	Guidelines General	Given the limited resources of local governments, we believe that we should rely on the numerous environmental permits and development regulations already in place to protect shorelines and salmon.	Local government has been administering the SMA and its permit system since 1971. The purpose of the guidelines is to require that local government update the regulations it uses to do so (the local SMP) to address changing circumstances and coordination with other regulations.
21a	0155	Guidelines General	The guidelines must reflect minimum standards, not completely driven top-end goals. We cannot allow the errors of the central Puget Sound area to preclude responsible development in the rest of the state.	The guidelines are minimum standards and allow each local government to formulate an effective set of policies and regulations based on their setting and characteristics.

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26a	0162	Guidelines General	I understand that leaving the guidelines flexible allows the local governments to come up with unique solutions to problems. They may be too flexible and leave too much up to the local governments. This could allow for the best science-based solutions not to be used and less costly but an environmentally weaker solution to be chosen.	Local government SMPs must be reviewed and approved by Ecology for compliance with the guidelines and the statute and may also be appealed to the Growth Hearings Boards (GMA counties) or Shorelines Hearings Boards.
27	0163	Guidelines General	It is our hope that a change in configuration and/or individual footprint to increase our square footage can be considered under the new guidelines with an equal reduction in square footage elsewhere along the central Seattle waterfront if there is inconsequential environmental impact.	The proposed guidelines rule will have no effect on any project until the rule is adopted as Washington Administrative Code, and the local shoreline master program (SMP) is updated in conformance with the new guidelines. The guidelines do not regulate at the project level. The guidelines apply to local governments as they write and amend their own SMP. It is the SMPs which contain project-specific regulations.
29a	0167	Guidelines General	Please do not add more flexibility (to the guidelines).	Comment noted.
35g	0178	Guidelines General	The administration of this new WAC is totally dependent on the discretion of Ecology staff.	Public involvement is required throughout the SMP development process. Local and/or state decisions may be appealed to the Shorelines Hearings Board.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
36a	0179	Guidelines General	The guidelines must reflect minimum standards, not politically-driven top-end goals.	The guidelines are minimum standards necessary to assure implementation of the policies of the SMA as required by the provisions of the SMA.
36b	0179	Guidelines General	We cannot allow the errors of the urban cities and counties located in the Central Puget Sound to preclude responsible development in the other four corners and throughout the central part of our State of Washington, better known as the rural counties and cities.	Comment noted.
41b	0185	Guidelines General	There have been no comprehensive studies to document the results of SMA-controlled development.	The record compiled in the process of developing this rule includes scientific studies of the health of various shoreline environments and settings. Collectively these studies identified a number of problems that indicate that current management practices under the SMA are not adequately protecting the shoreline resources of the state.
41d	0185	Guidelines General	Unless DOE can prove that the existing review processes are flawed and substantive problems have resulted, only then should the state adopt new guidelines.	There is substantial evidence in the record that policies of the SMA are not being implemented. The intent of the system is not that Ecology must catch somebody in order for them to be required to conduct development in a manner consistent with the SMA. The local governments through their master program have primary responsibility. Most master program do not adequately reflect current law, policy or science with regard to shoreline development. it is the state's responsibility to look at the big picture and give appropriate guidance to local government.

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41a,41e	0185	Guidelines General	I haven't seen any substantive evidence that we have a problem that needs to be solved by amending the regulations. The mere fact that we have a document that's some 33 years old is irrelevant, WAC 173-16 is good legislation and it works, and I think we have a history to say that it does work, then we should only make those changes that solve problems.	Analysis of WAC 173-16 indicated that it was out of date with respect to the law, both the SMA and other statutes such as GMA, and did not adequately reflect current scientific understanding of the shoreline environment. The resulted in it being difficult to properly administer and inadequately effective at accomplishing the goals of the act. Substantial cumulative and individual impacts of development were not understood or addressed in the 1972 guidelines. The previous guidelines were repealed in 1999. Very early in the long process of developing new guidelines, with the input of local government and a wide variety of interests, a decision was made to craft guidelines with a new structure. A strike out and underline version would be very difficult to produce or understand given the extent of change. Finally it should be noted that the 1995 Legislature directed Ecology to update the guidelines for these reasons. See 90.58.060.
45b	0192	Guidelines General	Ecology should update the guidelines every 5 to 8 years.	Comment noted.
50a	0198	Guidelines General	Ecology has not been given statutory authority to determine what uses are "reasonable" or "appropriate". Those decisions are intentionally left to local governments in drafting their local master programs. The new rule would abrogate this local authority and shift it to Ecology.	The statute establishes that there is a statewide interest in giving preference to those uses which control pollution or prevent damage to the natural environment, are unique to or dependent upon a shoreline location, or provide an opportunity for public access, among others. The guidelines express these statewide interests and each master program expresses the local interest in addition to the statewide interests. These guidelines provide for a wide range of potential uses that is essential the same uses provided for in the previous guidelines, WAC 173-16, as adopted in 1972.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
50b	0198	Guidelines General	Rather than including specific regulatory limitations on the use of shoreline property, which would raise the same outcry as past attempts at imposing new guidelines, Ecology has decided to use its statutory power to approve local master programs as a lever to force these local government to develop very restrictive land use policies, or have their program disapproved and Ecology's vision of a local program directly imposed on them.	Ecology approval of master programs has been a requirement of the statute since its inception in 1971. The essential character of an SMP is derived from statute and Ecology is directed to assure that local governments implement those state policies.
56	0213	Guidelines General	Now that the comment period has ended, what is the status of the Guidelines?	Guidelines will be effective 30 days after adoption.
58g	0220	Guidelines General	How are "Aesthetic values" and "public views" determined?	The policy of the SMA, as established in 90.58.020, is that "the public's opportunity to enjoy the physical and aesthetic qualities of the natural shorelines of the state shall be preserved to the greatest extent feasible consistent with overall interest of the state and people generally". Implementation is (and has been for 30 years) the collective value judgments of the public through the local SMP review and approval processes and the permit process.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
64a	0237	Guidelines General	Insufficient study has been conducted to demonstrate that the bulkhead and vegetation requirements of the guidelines are scientifically valid and necessary.	Loss of nearshore habitat has been identified as a contributing factor in decline of important shoreline habitats and their associated species. Bulkheads have been identified as contributing to such loss. The guidelines do not prohibit protection of property from erosion. They require that the proponent first establish that a real need exists and then design erosion management measures that do not result in a net loss of shoreline ecological functions.
65d	0241	Guidelines General	Each affected property owner should be notified about these new rules.	Notice of the proposed rulemaking was provided in accordance with the law.
72g	0259	Guidelines General	Changes of shalls to shoulds will increase local discretion.	Comment noted.
74c	0261	Guidelines General	173-26-176(3)(d) should include a specific timeline for re-evaluation and measurable goals.	Given the timeline for adoption of local SMPs (between now and 2014), a comprehensive assessment of performance on a regular schedule before that time is unlikely under current staffing and would be of limited utility given less than full coverage. The provisions of the statute require Ecology to make changes the guidelines to address issues that rise from the review and adoption of SMPs or changes in statute. After completion of this round of updates, local governments are obligated to review their SMP every seven years. A more thorough analysis of issues should be accomplished prior to the beginning of that round in 2018.
75a	0262	Guidelines General	The guidelines exceed legal authority in numerous places.	The extent of legal authority provided by the SMA and its support for the various provisions of the guidelines was reviewed by state and private attorneys with substantial experience in this area of law. We have a high level of confidence that the guidelines are within the framework of the law.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
78d	0265	Guidelines General	More guidance is need on how to achieve broad public participation in the SMP process.	The requirements in the guidelines for public participation are based in the statutory requirements which are minimum standards. Local government may choose to exceed these requirements and Ecology is capable of providing assistance in this regard when asked.
80a	0267	Guidelines General	The guidelines contain an enormous array of abstract concepts presented without any logical structure.	The basic outline is substantially the same as the original SMA guidelines WAC 173-16 which functioned reasonably well for a long time.
97b	0305	Guidelines General	It appears that as a result of certain changes, Ecology will not conduct periodic reviews to evaluate the effectiveness of the guidelines	Updating of the guidelines is governed by RCW 90.58.080. Local governments are required to review and update their master programs on a regular seven year cycle pursuant to the same section.
1	--	Guidelines General	The comment letter, email, or oral testimony contained no actual comment about the <i>proposed guidelines rule</i> .	No response needed.
2	--	Guidelines General	Generic "We support adoption of the guidelines; they are needed; please don't weaken them" type comments.	Comment noted.
999	--	Guidelines General	Generic "We oppose the adoption of the guidelines".	Comment noted.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
21f, 36g	0155, 0179	Guidelines General	The individual property owner should not have to meet loosely defined environmental standards meant for larger developments on a case-by-case basis which would be both costly and very confusing.	It should first be noted that as a general matter the guidelines are not applicable to individual property owners, they are guidance for local regulations. The proposed guidelines and the master programs they engender are not written solely for large projects. They are flexible enough to adapt to the wide range of development types and shoreline environments found throughout Washington State. Local government will provide specificity tailored to the local environment and community needs.
21b, 36b, 48	0155, 0179, 0195	Guidelines General	The guidelines should reflect the reality that the vast majority of SMPs must be developed by small jurisdictions who may or may not have the staff to calculate and monitor cumulative impacts or determine ecological functions. The workload and expertise needed must not force these smaller jurisdictions to choose a default level that precludes development simply because the jurisdictions cannot afford to do a thorough study.	There is no default level or regulation in the guidelines. Each local government is obligated to develop an understanding of their shorelines based on inventory information and to formulate an effective set of policies and regulations based on their setting and characteristics.
58c, 80b	0220, 0267	Guidelines General	The table of contents is inadequate because it is missing a great deal of the rule contents.	The adopted guidelines, when published for general use, will have a detailed table of contents.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
30b	0170	Houseboats & Liveaboards	It appears that the individuals who developed this draft seem intent on 'turning back the clock' in the developed areas. A prime example of this is stating that houseboats and Liveaboards are not appropriate uses. This is a policy decision that should be left to the local zoning authorities and not mandated by the state.	The waters of the state are a resource held in trust by the state for all of its citizens and it is therefore not a strictly local issue. The SMA requires the state to protect these waters for use and enjoyment of the public. Houseboats and floating homes convert this public space to private to the exclusion of the public interfere with navigation and have potential adverse impacts to fish and wildlife habitat. The provisions of 173-26-241(2)(j) allow accommodation and improvement to existing houseboat and floating home communities where such exist today but discourages expansion or establishment of new communities or sites. Local government retains discretion within the bounds set by the SMA.
85a	0277	Hydropower	Overlap with FERC Regulations	Most instream structures are not subject to FERC regulation and therefore the local master program must address the subject. Whether or not a project is subject to FERC and the extent to which that pre-empts state regulation is a matter of law beyond the scope of these guidelines. Where FERC does pre-empt, the compatibility of a proposed project with local and state shoreline policies regulations is a legitimate subject for commentary by the state during the FERC process.
52j	0201	In-stream Structures	In 173-26-241(3)(g) add the following phrase, "consistent with other relevant federal and state statutes"	The proposed change may be interpreted to unduly limit the intent of the section and be contrary to the policy of the SMA. Clearly any local SMP needs to be cognizant of and should not knowingly contradict the requirements of other law. However the requirements of the SMA should not be limited to that which may be required by other law when the policy of the SMA may call for more.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
16c	0130	Inventory Requirements	The shoreline inventory requirements will prove to be overly burdensome, costly, and duplicative of other programs. All provisions of the guidelines that require duplication of established regulatory responsibility must be removed (i.e. critical areas, flood plains, etc.).	Inventory expenses will be covered for those jurisdictions participating in the master program grant program noted in the response to comment 16b. The guidelines stress the use of existing data and do not require duplicating previous work. Please refer to WAC 173-26-201(2)(a) and (3)(c). Overlapping regulatory responsibilities are a product of legislative enactments. Ecology can not refuse to carry out its Shoreline Management Act responsibilities where those happen to overlap with other land use statutes.
23b	0151	Inventory Requirements	Local governments are urged to use available scientific and technical information including environmental impact statements. Those EISs should be indexed into a publicized list of easily identifiable locations for use by the public who must provide numerous additional studies required by the guidelines.	Comment noted.
37	0180	Inventory Requirements	There has to be some kind of monitoring database that you have to know what you got so when you make changes you don't remove it. And so there's got to be some mechanism in there, maybe the developer or somebody that's benefiting from it that would pay for the data if it's not available.	The guidelines provide for compilation of an inventory of the community's shorelines that will provide a baseline of information for the regulations and cumulative impacts analysis. It is understood that sometimes that information will not be fully adequate and that some inventory and analysis will necessarily occur later through special area plans or at the permit stage.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
60m	0222	Inventory Requirements	Do the rules assume that a biological assessment is required for each development site?	No. The extent to which biological assessments are required of individual development depends on the regulatory system adopted by each local government.
80c	0267	Inventory Requirements	Who will develop and pay for the required modeling of shoreline ecological functions?	The basic premise of the comment, that modeling of shoreline ecological functions is required, is not an accurate reading of the guidelines. Planning, based on an inventory and characterization, is required that results in policies and regulations that can be reasonably assessed as likely to achieve the standards of the guideline. Modeling is a potential means of making such a demonstration but not necessarily the only means.
80h, 81c, 86i	0267, 0270, 0279	Inventory Requirements	The characterization process seems to vague to achieve a confident outcome	The inventory provisions seek to identify the broad scope of information that is needed to formulate reasonable and effective plans and regulations. The inventory requirements balance achievability, cost and need for information. Site specific inventory may be a necessary component of consideration of projects that have impacts beyond those reasonably addressable based on the information that is available.
16l	0130	Jurisdiction	The water quality, storm water, and nonpoint pollution section of the draft guidelines appear to require the regulation of development activities outside shoreline areas. This is unacceptable to Kittitas Count) and demand the DOE to revise the draft guidelines to correct this.	Governing principal #6 clearly states "The regulatory function (of the SMP) is limited to the territorial limits of shorelines of the state, RCW 90.58.140(1), as defined in RCW 90.58.030(2).

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
39b	0183	Jurisdiction	I want to know what was changed in 1994 to eliminate the exemption for private man-made canals and bays from shorelines.	The jurisdictional area of the SMA is not affected by these guidelines because it is set in statute. The statutory definitions have not substantively changed since passage of the Act in 1971 and clearly include man made bays and canals if they are connected to any of the above shorelines. RCW 90.58.030 (2)(d) and (e) states that <i>"Shorelines" means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of statewide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.</i>
51	0200	Jurisdiction	The 200 ft setback on our small Twisp River is certainly not reasonable. The original 50 ft was adequate.	There is nothing in the guidelines specifically calling for a 200 ft. setback on the Twisp River. The statute establishes that, at minimum, the area 200 ft from the ordinary high water mark is within the jurisdiction of the SMA and is identified as "shorelands". This is a management area not a setback.
79a	0266	Jurisdiction	Guidelines attempt to extend jurisdiction to a stream's headwaters (173-26-221)	As noted in governing principal #(6) "The territorial jurisdictions of the master program's planning function and regulatory function are legally distinct. The planning function may, and in some circumstances must, look beyond the territorial limits of shorelines of the state. RCW 90.58.340. The regulatory function is limited to the territorial limits of shorelines of the state, RCW 90.58.140(1), as defined in RCW 90.58.030(2)." The extent of jurisdiction is established in law and the guidelines cannot change it.
57a, 58b, 59e	0206, 0209, 0221	Jurisdiction	The shoreline area of 200ft is excessive.	The jurisdictional area of the SMA is set in statute and has been in effect since 1971. The guidelines do not and can not change this requirement.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
72b	0259	Mitigation	We believe that mitigation requirements can not be imposed on developments or activities if it would exceed the actual impact of those developments.	Comment noted.
87b	0280	Mitigation	The mitigation types are prioritized which is not consistent with SEPA, 197-11-768	Providing a mitigation sequence that would work with the "no net loss of shoreline ecological functions" standard required that the mitigation sequence be prioritized for use in the shoreline areas. However, the sequence is consistent and compatible with the SEPA sequence.
93a	0294	Mitigation	201(2)(e) implies that mitigation may be required where SEPA does not apply.	The intent of the guidelines as expressed in the governing principals is that local government will "ensure that exempt development in the aggregate will not cause a net loss of ecological functions of the shoreline". The SMP provisions should as a whole, ensure mitigation when needed, notwithstanding SDP exemptions or SEPA exemptions.
9a, 21e, 36f	0099, 0155, 0179	Negotiated Settlement Agreement	The guidelines negotiated settlement agreement contained no representative of individual property owners or taxpayers.	The guidelines are the product of an eight year process that has included review and comment by thousands of citizens. The negotiation merely requires proposal of guidelines that are mutually supported by the parties. The work to develop these guidelines is contemplated by the regulatory reform provisions of the Administrative Procedures Act See RCW 34.05.310(2). The parties to the settlement were the parties to the litigation on the previous guidelines and did in fact include organizations that typically indicate that they are representative of individual property owners and taxpayers. <i>A complete list of parties is attached.</i>

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
8b	0097	No Net Loss of Ecological Functions	The "no net loss of shoreline ecological function" standard is admirable but as a scientific matter and on a practical level it is simply not achievable. Many jurisdictions do not have the data available to quantify what shoreline ecological functions currently exist and to what degree. The data for baseline determinations could take a significant amount of time to develop and analyze and the funding for these tasks is inadequate.	Planning, based on an inventory and characterization, is required that results in policies and regulations that can be reasonably assessed as likely to achieve the standards of the guideline.
18	0152	No Net Loss of Ecological Functions	Ecology does not have sufficient staff resources to tell us what "net loss of ecological functions" means.	It is primarily incumbent on the local government to identify the ecological functions and design a system to assure no net loss of these functions. Ecology does have expertise in this area that will be available to local governments to the extent feasible. Under the system of compliance dates in law, it is more likely that Ecology will be able to help those local government that choose to go earlier rather than waiting to the deadlines when many local governments are likely to be doing the work and Ecology staff will not be available to help all of them.
26b	0162	No Net Loss of Ecological Functions	I am happy to see that "no net loss" is a guiding principle. I hope that this is not abused. I think it is much easier to protect an already established habit, than it is to recreate them. Man made habitats have mixed results.	Comment noted.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
28a	0166	No Net Loss of Ecological Functions	173-26-186(8)(b)(i): Is there a deadline for local government to establish the baseline of the no net loss standard? The concern is that today's possible baseline includes shorelines that are already severely degraded. Establishing an inventory that includes a shoreline's previous ecological functions and values would be more effective in that restoration could be used to return the shoreline to a more naturally occurring process. Without a baseline or inventory intent on potential restoration of past conditions it is difficult to state that there will be no net loss.	The deadline is the compliance schedule of RCW 90.58.090. Each local government will conduct the planning process on or before the mandated dates and the inventory process will establish the base line. The standard for individual development under the master program will be in comparison with conditions prior to authorization of the development. The planning process may consider past conditions or baselines in setting restoration priorities.
35a	0178	No Net Loss of Ecological Functions	We are very troubled by 'no net loss of ecological functions' because it has not been clearly defined by science or by the courts and I'm sure there will be a lot of battles over deciding just exactly what that means.	"No net loss of shoreline ecological functions" is a reasonable standard based in the policy of the SMA and the limitations on regulations of private development under the constitution and applying of scientific understanding of the shoreline environment to make decisions at the master program and individual permit level.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
46a	0193	No Net Loss of Ecological Functions	The state's environmental standard is pre-European condition or another term, PFC, properly functioning condition.	The environmental standard established in these guidelines applicable to development is "no net loss ecological functions necessary to sustain shoreline natural resources". This is a status-quo standard and is certainly not a restoration to pre-European conditions standard. There is no suggestion that the standard be interpreted as PFC.
50c	0198	No Net Loss of Ecological Functions	The definition of ecological functions is extremely vague. What, exactly, is the ecological function to be protected, and more importantly, what regulations are necessary to protect this function?	The guidelines establish that the standard is "no net loss of ecological functions necessary to sustain shoreline natural resources". The exact functions that community must protect will vary depending on the physical setting of the community. The functions associated with any water body will be somewhat different depending on the type of water body, the climate, soils etc. So each community must identify the ecological functions of its shorelines and craft regulations specific to that setting. Please note that changes have been made to Section 173-26-201(2)(c) to clarify the intent of the no net loss standard.
52b	0201	No Net Loss of Ecological Functions	There is no direction to local governments on what methods, processes, etc they would be required to follow to ensure no net loss. Exempt development do not require permits and it is unclear what sort of constitutional regulations local government could adopt that would carry out this mandate.	As established in the governing principles, the philosophy of the guidelines is that local government should have as much discretion as possible to craft policies and regulations that are suitable for their community while meeting the requirements of the SMA and the guidelines. Thereby, the guidelines primarily establish performance standards rather than specific methods or processes. Local government has been administering the SMA and its permit system since 1971. Throughout that time local governments have been, as required by the SMA, regulating exempt development for compliance with the provisions of the local master program. The types of regulations used will vary between jurisdictions but is likely to include the same types used in SMPs, CAOs, zoning codes and other land use regulations today.
58a	0220	No Net Loss of Ecological Functions	The no net loss standard will cause transportation costs to rise significantly.	While some pre-development costs may rise, the intent of the regulations overall is to provide greater predictability and consistency in review and approval of development.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
68a, 68b	0255	No Net Loss of Ecological Functions	Guidance is needed on how to assess different ecological functions as are examples of mitigation that works.	Ecology will be working with local governments as this work is conducted and developing general technical assistance materials related to implementation of the guidelines.
72e	0259	No Net Loss of Ecological Functions	There should be a financial standard for "feasible" mitigation.	As noted in the comment, there is allowance for consideration of cost.
74g	0261	No Net Loss of Ecological Functions	State agencies may determine there is no net loss and local governments must defer to the agency.	Change proposed is inappropriate under the structure of the SMA.
78b	0265	No Net Loss of Ecological Functions	When does mitigation have to be up and running and how will no net loss be implemented?	Assessment of effective mitigation includes consideration of time. The answer to the question will vary based on the setting, uses and system adopted by local government.
84b	0276	No Net Loss of Ecological Functions	Who will pay for failing to achieve this goal?	The SMA requires local government to periodically update their master programs. Where there is evidence that shoreline resources are being degraded, the local government will need to address the relevant issues in their periodic updates or sooner if they so choose.
86a	0279	No Net Loss of Ecological Functions	Can it be deferred into the future? Can \$\$ in lieu of mitigation suffice?	The answer to the question will vary based on the setting, uses and system adopted by local government. It is hard to conclude that a payment in lieu system would meet the requirements of the guidelines but such a system is not specifically ruled out by the terms of the guidelines.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
88a	0281	No Net Loss of Ecological Functions	Which ecological functions must be maintained?	The standard is "No net loss of shoreline ecological functions" 173-26-201(2)(c) and (3)(d) provide substantial guidance on what functions are material.
6, 46i, 53a, 61b, 76a, 76c, 76d, 76e	0094, 0193, 0202, 0224, 0263	No Net Loss of Ecological Functions	Ecology has no authority to mandate no net loss of ecological functions. No net loss should be defined. It is not clear that no net loss of shoreline ecological functions includes consideration of mitigation.	"No net loss of shoreline ecological functions" is a reasonable standard for SMPs based in the policy of the SMA and the limitations on regulations of private development under the constitution and applying of scientific understanding of the shoreline environment to make decisions at the master program and individual permit level. The Guidelines carefully establish the basis for the "no net loss of shoreline ecological function" standard in the policy of 90.58.020 in 173-26-176 to 186. The policy of the SMA is to protect "against adverse effects to the public health, the land and it's vegetation and wildlife, and the waters of the state and their aquatic life". The policy further requires that "permitted uses in the shorelines shall be designed and conducted to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area". The whole concept of net is that it is understood that development on the shoreline has impacts but also that such impacts can be minimized and otherwise mitigated to meet the "no net loss" standard. The provisions of the guidelines have been modified to clarify this intent.
67	0252	OHWL	OHWL should not be modified from present language in the SMA.	The definition of ordinary high water mark is in the SMA itself and the guidelines cannot and do not modify it.
52k	0201	Parking	Require that parking areas be adequate to accommodate use for public access when associated with water-dependent, related or oriented commercial development.	The suggested provision may be appropriate for some local governments to adopt based on the public access planning in the SMP but at the statewide level, it is not an appropriate and necessary requirement for the section on parking.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
58e	0220	Permits	Guidelines should allow for the issuance of general permits for commonly occurring projects and mitigation and restoration projects.	The issue of permits timelines and scope is a statutory issue that cannot be addressed in the guidelines.
39a	0183	Piers & Docks	The proposed rule says "pier & dock construction shall be restricted to the minimum size necessary to meet the needs of the proposed water dependent use". That leaves it wide open to interpretation by everything.	The intent of the guidelines is to be as flexible as possible while providing overall guidance for compliance with the SMA. Each community will need to decide the extent to which it can be specific and thereby provide certainty, and when flexibility is the more important value.
76m	0263	Piers & Docks	173-26-231(3)(b) should be clear that if a port district has prepared a needs analysis that has been approved by the local government then it "should" (not may) serve as justification for pier design and size.	May is the appropriate term in this case. The use of such a document is at the discretion of local government.
86l	0279	Piers & Docks	Water dependent & the exclusion of recreation; and non-water-oriented developments	The concept of the section is that docks and piers are primarily for water-dependent use but that some other uses may be included when appropriate. The provisions directly state their applicability to new construction not existing and local government has latitude to address use of pre-existing facilities. Some recreation may be water dependent and the definition does not preclude that.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
17, 31b, 57b	0131, 0172, 0219	Piers & Docks	The guidelines proposal for shared docks appears unworkable due to insurance liability issues, difficulty in obtaining agreements on dock size and boat length, and the possible existence of natural obstructions between adjoining properties.	The provision on joint use docks clearly includes allowance for consideration of feasibility which would include some or all of the issues mentioned. The profusion of individual docks can result in interference with navigation and public use and impacts to habitat and therefore a policy that requires consideration of alternatives that would reduce these impacts is reasonable.
75e, 87c, 88c, 91a	0262, 0280, 0281, 0285	Piers & Docks	173-26-231(3)(b), and the "need" for piers & docks. The guidelines 'scientific basis' for its pier & dock standards are wrong, unsupported, or contested. Why are single family docks treated differently?	The policy of the guidelines with respect to piers and docks is that they are a necessary component of navigation which may be associated with many water oriented and residential uses and therefore need to be accommodated where and when they are otherwise consistent with the policies of the SMA and the local master program. The evidence in the record indicates that means exist to construct piers and docks that minimize or eliminate impacts and therefore the policy of the SMA is that such measure should be applied and that where impacts are not eliminated, such impacts should be mitigated. Piers and docks also may interfere with normal public use of the water and the policy of the SMA is that such interference should be minimized. Establishing the use and need for a non residential pier or dock is a reasonable component of the consideration of consistency with these policies. Piers and docks are not necessarily appropriate everywhere even when associated with a single family residence and many existing SMPs reflect this fact. Piers and docks may be authorizable in association with a multiple family structures and uses but must reasonably demonstrate need and use for water dependent purposes. The only real difference between docks associated with a residential use and other uses is the specific requirement to establish need. Small docks associated with single family residences are a customary and recognized means of access to and use of the states waters for which it is reasonable to apply this slightly different standard.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
40b	0184	Ports	Could an urban shoreline jurisdiction meet its directives to restore shoreline or functions up basin if that was more cost effective and more productive for the environment as a whole?	Local governments have wide latitude to develop a restoration plan for their jurisdiction. The guidelines do not preclude inclusion of up basin restoration however, reasonable consideration of needs and opportunities within the community is required.
74w	0261	Ports	In 173-26-231(3)(b) Port plans should be SEPA approved. Commercial entities should be deleted and a requirement that ports and local governments consult with DNR where state owned land is involved should be included.	A specific choice was made to not attempt to reference every statute that may interact in some way with the SMA in the guidelines. It is not apparent here why use of the "SEPA-approved" language would add any value. While public ownership of port facilities is dominant in this state, major private facilities can and do exist. There is no reason to discriminate on that basis as long as the conditions of the provision are met. The requirement for consultation with state agencies is well established elsewhere in the guidelines and need not be repeated in each provision where it may be appropriate.
76a, 76c, 76d, 76e	0263	Ports	The governing principles should recognize constitutionally establish Harbor Areas.	The governing principles were drafted as a framework for rule drafting. The provisions include recognition of constitutional limitations on regulation of private property because they provided a limit to be applied throughout the guidelines. The proposal to include recognition of harbor areas does not provide that same type of boundary. However, designated harbor areas are an important feature to be recognized both in the inventory phase and in the determination of appropriate uses and changes have been made in guidelines to assure that they are recognized.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
76b,	0263	Ports	Explicitly recognize navigation and corollary rights as part of the state interest in shorelines.	Navigation and corollary rights are part of the state's interest in the shoreline as identified in the SMA and to identify them as something separate is unnecessary and potentially confusing.
7, 34, 40a	0095, 0177, 0184	Ports	Change the rules to ensure that the shoreline master programs direct cities and counties to understand and accommodate the planning and development and operational needs of urban waterfront, including industrial ports, and to realistically acknowledge historical conditions as the environmental base line.	The intent of the guidelines is to recognize the current conditions and assure that new development or redevelopment does not further impair the ecological functions of the shoreline. The Shoreline Management Act establishes a policy requiring that preference be given to water dependent uses and lists ports as a priority use. These guidelines must be applied consistent with the statute. Local government is required to implement the policy of the act through their SMP which provides a substantial basis for a strong role for public ports. Additionally the local governments are required to consult with and involve all interested parties including public ports in the process of development of their SMP. The Act does not provide for a special status for public ports and it assigns counties and cites the leading role in Shoreline planning and regulatory implementation. This issue is one that is resolved by ports, local governments and citizens as they develop or amend their local shoreline master program. Some changes have been made in the inventory, preferred use and ecological functions provisions to clarify these issues. See the summary of changes document.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
16o	0130	Preferred Uses	The 1st listed priority use in the SMA is single family residences. The guidelines establish a new priority scheme, one in which shoreline areas are reserved first for protecting and restoring ecological functions, next for water-dependent uses and 3rd for water-related and water-enjoyment uses.	While SFRs are stated first in the list of priority uses, the list is not in order of preference and must be read in light of the rest of the paragraph and all of RCW 90.58.020. The guidelines make ample provision for single family residences in accordance with this policy. RCW 90.58.020 states <i>"In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. "</i>
16k	0130	Private Property Rights	The public access portions mandate taking of private property for the public benefit. The entire section should be removed.	Inclusion of a public access element in all master programs is required by the SMA at 90.58.100(2)(b). Increasing public access to the shorelines of the state is a stated central purpose of the Shoreline Management Act. See 90.58.020. Deletion of the public access provisions would be contrary to law. It is recognized in the principals of the guidelines and in the public access provisions that such activities must be conducted in a manner that respects private property rights.

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82a	0274	Private Property Rights	The section on Special Policy Goals 173-26-181 should include reference to protection of private property rights.	173-26-181 is a direct quote from the statute and therefore adding the suggested provision is inconsistent with the statute. The subject is well addressed elsewhere in the guidelines.
86g	0279	Private Property Rights	The guidelines do not provide the administrative procedures necessary to protect private property rights.	See RCW 90.58.100(5) and WAC 173-27. The procedures for permits and related processes are contained in other regulations. The guidelines are intended only to establish the content of SMPs.
15, 57d	0129, 0219	Private Property Rights	If the rules make my property unusable, Ecology would be obligated to compensate me for the value of my property before the taking.	The proposed Shoreline master program guidelines, after their adoption as Chapter 173-26 WAC, will not be the shoreline development regulations for any local government with an existing master program. The guidelines serve as a general framework or template to assist local governments when they update an existing master program or adopt their first master program. Local governments write their own shoreline development regulations in master program through a public process in which you can participate. Existing master programs will not be affected by the draft guidelines until 1) the draft guidelines are adopted and 2) master programs are updated in compliance with the new guidelines.
13	0121	Public Access	Ecology should add a provision requiring that local governments create long-term plans for additional public beach access. This should include a means for local governments to purchase access right-of-way and privately owned beach and tidelands for public use.	As required by the Shoreline Management Act, the guidelines contain the requirement to address public access in section 173-26-221(4). Many local governments do have long range public access plans and they have always had multiple means of addressing the issue. In addition, Ecology has for many years provided grants to local governments to improve public shoreline access. All levels of government are currently experiencing many competing demands on their shrinking resources. Ecology has not been provided with funds specifically aimed at improving public access to shorelines.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
25	0157	Public Access	Requiring public access for subdivision of land into more than four or more parcels seems to be a taking to me.	173-26-221(4)(d)(iii) provides exception criteria for public access which includes where it is found to violate constitutional or other legal limitations. Developers of subdivisions are required to dedicate land and make public improvements for a variety of purposes. As a general matter where there is a reasonable connection between an impact of the development and the required dedication or improvement, a taking is not considered to have occurred. However, local government will need to write and apply it SMP in a manner to avoid taking of private property.
42c	0186	Public Access	I believe the guidelines should very strongly work toward guaranteeing public access to their own waters.	The public access requirements are reflective of the policy of the SMA in this regard given consideration of the limitations on regulations of private property in the constitution and other law.
52f	0201	Public Access	In 173-26-221(4) add the following"(vi) Encourage and plan for public transit access to public shoreline areas."	For some jurisdictions this would be a good thing to do but it is not sufficiently related to the SMA policy nor very practical as a requirement in a statewide regulation.
60i	0222	Public Access	Why isn't there a requirement for public access on all residential lots as there is on multifamily development?	Such a requirement is not as practical and Constitutional and other legal limitations suggest that such a requirement may not be appropriate or feasible.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
74t	0261	Public Access	Public access should not be required if the proposed development or other use will not significantly interfere with public access.	The policy of the state, established in the SMA, is that public access to publicly owned shorelines should be increased at least on SWS and protected everywhere. Additionally, RCW 90.58.100(4) states that "master programs will reflect that state owned shorelines of the state are particularly adapted to providing wilderness beaches, ecological study areas and other recreational activities for the public and will give appropriate consideration to same." Based on these policies the proposed revision appears inappropriate.
91g	0285	Public Access	211(5)(f)(ii)(B) is not consistent with 173-26-221 (4) and 241(j).	The general requirement of this section can and should be read in a manner consistent with the more specific provisions of 173-26-221 (4) and 241(j).
16i, 16j	0130	Regulatory Duplication	The principles for critical freshwater habitats duplicate existing programs, including floodplains and critical areas regulations. In addition, the costs associated with restoration planning would be extremely burdensome on local governments and should be removed.	Inclusion of floodplain regulations for shorelines is mandatory under the provision of RCW 90.58.100(2)(h). It is not intended to duplicate but to be coordinated with other floodplain regulations to assure reasonable and appropriate management of floodplains that both protect human life and safety and the environmental values of the floodplains. Under ESHB1933, once Ecology approves an SMP under the guidelines, the SMP becomes the critical area regulation for shoreline areas and therefore is not duplicative of them.
59b	0221	Regulatory References	The results of the current WSDOT NPDES Phase I/II process should be incorporated into the SMA guidelines.	A specific choice was made to not attempt to reference every statute that may interact in some way with the SMA in the guidelines. The experience of the original 1972 guidelines is that such references soon become obsolete. The general duties of local government in conducting planning for shorelines include coordination with other regulations and statutes.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
59c	0221	Regulatory References	The guidelines should include reference to the Salmon Recovery Act, Watershed Planning Act, Water shed Health and Salmon Recovery Act, and recognize the Comprehensive strategy to Recover Salmon.	A specific choice was made to not attempt to reference every statute that may interact in some way with the SMA in the guidelines. The experience of the last guidelines is that such references soon become obsolete. The general duties of local government in conducting planning for shorelines include coordination with other regulations and statutes. Completion of the guidelines is a task under the Comprehensive Statewide Strategy for Salmon Recovery. Direct reference is made to coordination with watershed plans in the inventory section.
63	0236	Regulatory References	Enabling federal interstate consistency provision of the CZMA is the single most important change necessary to achieving a better marine environment in SW Washington.	This issue is beyond the scope of the guidelines which can only address the content of local SMPs within the State.
69d	0256	Regulatory References	Compliance with state & federal law is not the responsibility of new development or local government.	Compliance with hazardous waste cleanup and related laws is addressed by the state and federal agencies with that specific responsibility. It is the responsibility of Local government under the SMA to assure that planning for and permitting of development on sites under such laws is consistent with the SMA and the local SMP.
74h	0261	Regulatory References	Include in 173-26-201(2)(d)(i) a provision indicating that DNR aquatic reserves are an area for protecting and restoring ecological functions....	A specific choice was made to not attempt to reference every statute that may interact in some way with the SMA in the guidelines. The intent of the change is consistent with the provision cited but whether to do so specifically is a decision properly made in the SMP development process.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
74j	0261	Regulatory References	173-26-201(2)(e)(i) should include reference to the Aquatic Resources Mitigation Act and the Wetland Mitigation Banking Act.	A specific choice was made to not attempt to reference every statute that may interact in some way with the SMA in the guidelines. The experience of the last guidelines is that such references soon become obsolete. The general duties of local government in conducting planning for shorelines include coordination with other regulations and statutes.
89b	0282	Regulatory References	The guidelines appear to preempt the Federal Clean Water Act	The policy of the SMA calls for protection of the "the waters of the state and their aquatic life" and Clean water is fundamental to a healthy shoreline environment. The guidelines are required to implement the policy of the SMA and thereby must address water quality. The provisions directly related to water quality (WAC 173-26-221(6)) call for consistency of local SMPs with other regulatory programs which presumably would include the federal Clean Water Act. Ecology does not believe as a general matter that state regulations can legally pre-empt federal law.
8d	0097	Restoration	The notion that a jurisdiction could identify all shoreline restoration plans and activities being considered and undertaken, by all private and public entities within it boundaries, gather all related funding and timing information, and coordinate all these projects, is unreasonable.	As noted in the guidelines, the approach to restoration planning may vary significantly among local jurisdictions based on the size of the community, the extent and condition of the shorelines and available resources. For most jurisdictions, identification of the existing restoration programs, projects etc are a reasonable because most such projects require some form of coordination with local government to be accomplished. The benefit of the effort of identification of the other restoration programs and projects is that the community can then take credit for those actions toward the goal of achieving overall improvement of shoreline ecological functions over time. The fact that some projects or sponsors may not come to the attention of local government is understood and beyond the control of the jurisdiction.

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10	0114	Restoration	<p>The Columbia River shoreline behind its dams is treated the same as all other shorelines and riparian areas near pristine river systems, thus putting us in the untenable position of having to meet criteria is entirely unsuited to the river we live near. A historical look at the Columbia River shows there was no riparian growth along the river. The Guidelines mandates us to provide habitat for the very fish that NOAA Fisheries requires us to not provide habitat for, resulting in an impossible task. We are asking Ecology to promulgate regulations that are in harmony with the regulations of other agencies working to restore fish runs.</p>	<p>The proposed guidelines do not presuppose that any particular conditions exist on any particular river reach and they do not mention the Columbia or any other river by name. The requirement is to identify the ecological functions that exist currently through the inventory process and development management measures appropriate to the situation including harmonization with other regulatory systems that apply. The goal of restoring riparian habitat does not mean having to establish something that was never there.</p>
16b	0130	Restoration	<p>The shoreline restoration planning requirements will be too expensive for local governments and should be removed from the guidelines.</p>	<p>The Legislature appropriated \$2 million for a master program update grant program. The Legislature also stated its intent to fully fund future updates. Please refer to Engrossed Substitute Senate Bill 5404 - Section 302(4) and Substitute Senate Bill 6012 - Section 3. The cost of restoration planning is part of the legitimate expense of updating or adopting a master program.</p>

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
16e	0130	Restoration	Under the management policies for the "high intensity" environment local jurisdictions are obligated to require shoreline restoration as part of the approval for a new development. Kittitas is opposed to this requirement as well.	The restoration requirements of the guidelines are planning requirements and are not applicable to the approval of new development. The standard for new development is "no net loss".
16m	0130	Restoration	Nowhere in the Act does it expressly promote the restoration of shorelines. Ecology has transformed a general statement of concern about restoration, ignoring all other expressions of Legislative intent, into the backbone of the guidelines such that the guidelines and resulting shoreline master programs are to protect and restore shoreline ecological functions. These standards clearly exceed the SMA. Our state's elected leaders need to determine whether they want to use the Act to restore shorelines and recover proposed, threatened, and endangered species.	Restoration of shoreline resources is clearly indicated as an interest of the state in the 90.58.020 and is also an element of what is necessary to protect shorelines and their associated resources. In keeping with this identified interest, the guidelines direct local government to plan for, coordinate and foster restoration where necessary, feasible and reasonable.

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28e	0166	Restoration	173-201-(2)(f): Will restoration of impaired shoreline ecological functions be based on previous functions as opposed to already disrupted conditions now? When a baseline of ecological functions is established is critical in order to restore an "impaired shoreline".	The purpose of restoration is generally to reintroduce the ecological functions of the shoreline endemic to the area or site in manner that enables increased use and productivity for fish and wildlife. However the intent is to be flexible as to the baseline and goal. Some situations do not lend themselves to reversion to pre-settlement conditions but still offer substantial opportunities for improvement.
42b	0186	Restoration	I would urge you to strengthen the section on the restoration plan elements and make it more clear that the municipality and the county need to be looking quite assiduously for these opportunities for restoration.	The restoration plan requirements reflect an appropriate level of required effort on the task given the variability of local jurisdictions in terms of setting, resources and need.
46e	0193	Restoration	Ecology seems to have forgotten that curing existing environmental deficiencies, even with human cause, is not the responsibility of private landowners.	The "no net loss of ecological functions" standard is a status quo standard not a restoration standard. Full consideration was given to the constitutional and other legal limitations on the regulation of private property. See 173-26-186.
52a	0201	Restoration	The guidelines do not sufficiently make clear city responsibilities for restoration of shoreline areas - particularly where no development application has been applied for.	The guidelines make it very clear that it is the obligation of local government to plan for restoration of shorelines where appropriate based on information gathered in the inventory process. The planning process includes an implementation element that will identify resources that are known to be available such as federal and state grants, local volunteer groups etc. The restoration planning function is separate from the regulatory function.

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52d	0201	Restoration	173-26-201(2)(c) should be modified so as not to be interpreted to require restoration of ecological functions in harbor and port areas.	See Definition of "Restore, restoration or ecological restoration" at WAC 173-26-020(27) which states that restoration does not imply a requirement to return to aboriginal or pre-European settlement conditions. The restoration planning requirements give broad latitude to local government to devise a restoration strategy appropriate for their community. The restoration plan must also be integrated and consistent with the remainder of the SMP which will include provisions for ports and inner harbor areas as a preferred use under the SMA. In some port and harbor areas, some restoration potential may be identified by local government as consistent with planning for reasonable and appropriate port uses.
52m	0201	Restoration	The definitions reference to pre-European settlement is unclear, does it also include settlement by American citizens.	The phrase "aboriginal or pre-European settlement conditions are sufficiently clear particularly since the definition establishes that that is not the goal of restoration.
60b	0222	Restoration	It would be helpful if you provide examples of incentives to restore water connections	Guidance of the type requested will be supplied in technical assistance materials and through direct consultation with requesting local governments. It is not appropriate in the guidelines.
60c	0222	Restoration	Is the intent of 173-26-221(2)(c)(iv)(C)(III) that private development be required to conduct restoration.	The intent of the provision is to assure that the master program provisions on critical saltwater habitat authorize restoration projects where appropriate. The clear intent of the guidelines is that local government is not directed to require private development to provide restoration as a condition of approval of a shoreline development. The provision is specifically intended to assure that provision is made for restoration projects that may be planned and conducted for critical freshwater areas.
60l	0222	Restoration	It would be helpful if you provide examples of incentives to restore hydrologic connections	Guidance of the type request will be supplied in technical assistance materials and through direct consultation with requesting local governments. It is not appropriate in the guidelines.

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64b	0237	Restoration	The bulkhead and vegetation policies will not result in restoration of sea life.	Comment noted.
65c	0241	Restoration	It is implied that restoration planning would allow a local government to require the removal of my bulkhead.	The clear intent of the guidelines is that private development is not obligated to provide restoration as a condition of approval of a shoreline development, only to assure no net loss. Property owner support is a necessary prerequisite to restoration on that property. The guidelines do not compel or direct the removal of new permitted bulkheads.
69a	0256	Restoration	Local government is not responsible for funding and implementing restoration projects.	The guidelines establish clearly that it is the responsibility of local government to plan for restoration within their area of jurisdiction including planning for how that work will be paid for. This is similar to planning conducted for parks, public facilities and roads. Local government seldom carries the full burden of such costs as there are other providers of similar services that may address an identified need and numerous grant programs that may assist the local government in defraying the cost.
74k	0261	Restoration	Does restoration planning include restoration that occurs as mitigation.	Under the governing principals and the structure of the guidelines, restoration and mitigation are separate and distinct. Mitigation of impacts to shoreline ecological functions is required of new development. Restoration occurs as a result of wholly separate public and private action to that end.
78a	0265	Restoration	How to grant restoration credit and measure restoration success and failure?	Accountability for successful restoration planning comes as a part of updates of the plan required by the SMA.
80g	0267	Restoration	Restoration should be done in conjunction with WRIA Planning.	Agreed. The guidelines specifically call for such coordination where such plans are being conducted and to the extent that they address the necessary issues for a particular local government.

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88b	0281	Restoration	What is the restoration priority?	The guidelines intend that priorities for restoration are to be decided upon by the local government based on the provisions of the guidelines. Feasibility of restoration and cost are legitimate considerations in setting priorities. Plans for restoration must be consistent with plans for development of the shoreline. Restoration and development are not necessarily incompatible.
97a	0305	Restoration	Ecology abandoned restoration that the SHB supported in the previous rule	Comment noted.
21c, 36d	0155, 0179	Restoration	Clarity related to the issue of who is responsible for restoration and enhancement of the shorelines and its ecological functions must also be provided. I'm very concerned about the restoration issue because somebody has to pay for it.	Under these guidelines, restoration is a planning function of local government similar to its planning function for public facilities. Needs are identified and prioritized and actual and potential resources (fund sources, partners, independent organizations) identified. Like public facilities needs, restoration needs may exceed resources but the prioritization assures that to the extent feasible, the most important needs are met more quickly. Substantial public and private resources are being directed to restoration activities in this state today. The restoration plan provides a mechanism for coordinating how these resources are being used in a particular community, assuring compatibility with community development plans, and tracking and understanding the benefits to the overall system gained through the various efforts.
81b, 93b	0270, 0294	Restoration	The Guidelines must be clear that the restoration planning is a component of SMP planning and within the realm of local governments' ability to accomplish. 201(2)(f) restoration will require a capitol investment program.	The guidelines establish clearly that it is the responsibility of local government to plan for restoration within their area of jurisdiction including planning for how that work will be paid for. This is similar to planning conducted for parks, public facilities and roads. Local government seldom carries the full burden of such costs as there are other providers of similar services that may address an identified need and numerous grant programs that may assist the local government in defraying the cost.

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30a	0170	Rule Adoption Process	I am requesting that the Dept. of Ecology extend the public comment process and also schedule additional hearing locations so that people with interests in shoreline matters have an opportunity to respond.	Comment noted.
16a	0130	Salmon Recovery	Any and all reference to salmon recovery through local shoreline master programs should be removed from the guidelines. The purpose of shoreline management is not salmon recovery.	A purpose of the SMA as stated in 90.58.020 is the protection of "the waters of the state and their aquatic life". This certainly includes salmon; however salmon recovery is not a central purpose of the guidelines. Protection and restoration of the shorelines in accordance with the guidelines is and should be consistent with salmon recovery.
56c	0205	Scientific & Technical Information	Private parties should not be listed as a potential source of scientific information. The provision allowing "any person" to submit scientific information should be removed.	The provision cited is necessary because it addresses the fact that any interested party may submit information related to a master program update. The provision gives notice that in order to be considered scientific information, submitted information must be developed using accepted scientific methods, procedures and protocols. As noted in the last sentence of the section, "where information collected by or provided to local governments conflicts or is inconsistent, the local government shall base master program provisions on a reasoned, objective evaluation of the relative merits of the conflicting data".
70a	0257	Scientific & Technical Information	Use of site specific information at the time of permit application	This suggested change is essentially a performance based approach may be appropriate local government to use but the approach taken in the guidelines overall is to allow local government to make decisions about the balance between prescriptive and performance based systems

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72c	0259	Scientific & Technical Information	Peer review is assumed to NOT be required. Correct?	Peer review is required where normal scientific methodology would require peer review.
80d	0267	Scientific & Technical Information	Are examples available of the level of effort that is consider sufficient for analysis and evaluation	The department is planning to issue guidance on this and other related subjects. However there is no standard possible for how much is enough because how much is necessary depends in part on the management approach taken by local government for its shorelines.
3d	0079	Shoreline Stabilization	The new rules essentially prohibit breakwaters (for single family residences) from being built . . . without any significant environmental benefit.	Breakwaters are very rarely constructed to protect single family residences. However, erosion management measures are allowed where there is a demonstrated need and when the proposed measures are appropriately protective of environmental values given the physical setting and circumstances. They would be prohibited in only those locations where they have no demonstrated need or purpose.
16r	0130	Shoreline Stabilization	Although the SMA exempts bulkheads from permit requirements, indicating their importance under the act, the guidelines make every effort to prevent the creation of new bulkheads and reduce the number of bulkheads in current use. Residential development is almost wholly prohibited if it will require any form of shoreline stabilization. Property owners will sue local governments for regulatory takings and also on the basis of vested rights.	The statutory exemption applies only to substantial development permits (not to conditional use permits and variances) and only for bulkheads common to single family residences (not to commercial, industrial, multi family and other uses). Even where a master program would prohibit a residential bulkhead the residence itself would not be prohibited. The goal is to prevent environmental harm caused by construction of unnecessary structures. Bulkheads and other erosion management measures have resulted in substantial cumulative adverse impacts on shorelines resources. The system proposed assures that environmentally appropriate erosion management measures will be permitted when there is a demonstrated need for them.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
33a	0174	Shoreline Stabilization	WAC 173-26-231(3)(a)(ii) should be amended to include risk. Typically the softer the stabilization measure, the greater the risk of failure is. Vegetative plantings and enhancement typically take five years or more to become effective. Some bio-engineering techniques actually increase bank erosion if used in certain situations.	The section is intended to assure that once the need to address an erosion issue is established based on an analysis of the cause of the erosion that an appropriate design is supported. This would reasonably include the level of risk, and therefore no change is needed in the guidelines. All erosion management measures are subject to failure under certain circumstances.
33b	0174	Shoreline Stabilization	The Shoreline Master Program should require proper training in bank stabilization, beach and dune management, and infrastructure protection for permit assistance staff, so that permit applications are reviewed appropriately.	Comment noted.
38a	0182	Shoreline Stabilization	Though noted in the SDEIS, nowhere does 173-26 acknowledge that there are areas that do require hard armoring, and it should be noted in the WAC.	Erosion and accretion are fundamental processes of shorelines that require management only when they threaten human uses. The erosion management provisions provide a methodology to determine when such a threat exists and the appropriate measures to address it.

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43c	0187	Shoreline Stabilization	Consider including a provision that in instances where there are adjoining bulkheads that the intervening bulkhead be specifically permitted.	Consideration of the setting of the proposed action is part of the analysis that is required to for authorization of erosion management measures. This would clearly include erosion management measures on adjacent parcels.
47b	0194	Shoreline Stabilization	I want to remind you of the agreement we have from the director to seek funding to study the alternative methods of bank protection in order to insure that they are not only environmentally protective, but they are all protective of the property and therefore not causing liability concerns for the contractors installing them.	Comment noted.

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49	0197	Shoreline Stabilization	You propose limiting protection for shoreline private property owners who have not control over the harm done by the preferred uses, the very preferred uses Ecology is supporting. For example, preferred use vessels are creating huge waves on my waterfront and carving out the beach. With your new regulations I would have to have a geotechnical report that would prove that within 3 years I would have major damage. I already have foundation damage but that's not to be considered enough.	Using professional expertise and advise as a basis for determining whether or not a real problem exists and how to properly solve is a reasonable means of assuring that the state's valuable shorelines are protected. Similarly it would seem that a property owner would be better served in the long term by reasonable assurance that their investment in erosion management is not more or less than necessary. It is highly unlikely under the scenario described that an SMP would not authorize a reasonable erosion management proposal.
53c	0202	Shoreline Stabilization	The requirement for geotechnical reports merely adds extra cost and complexity to simple bulkhead repairs. Further there are no guidelines as to what an acceptable erosion rate is.	As a general matter and subject to local discretion, Geotechnical analysis is only required for new or replacement erosion management measures not for simple repair of existing structures or systems. "Acceptable" erosion rates would almost certainly vary from location to location based on geology, intensity of development etc. A statewide standard is unnecessary to accomplish the statewide interest in protecting shoreline resources.
57a	0219	Shoreline Stabilization	If I cannot bulkhead my property it and my house will wash away.	Erosion management measures are allowed where there is a demonstrated need and when the proposed measures are appropriately protective of environmental values given the physical setting and circumstances. They would be prohibited in only those locations where they have no demonstrated need or purpose.

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58i	0220	Shoreline Stabilization	The bias against hard fixes should be eliminated. Sometimes hard fixes are the most permanent solutions.	The section on shoreline stabilization requires that erosion problem be identified clearly and an appropriate response formulated. The most permanent solution may not be the best solution from a shoreline management perspective because of impacts to shoreline resources.
62a	0226	Shoreline Stabilization	WSF & DOE working at cross purposes.	Protection of property from erosion is clearly recognized as a legitimate need. The Guidelines set out a system that assures that the solution addresses the specific need. The existence of a factor such as high energy wave conditions is a legitimate consideration in determining appropriate measures to control erosion.
74u	0261	Shoreline Stabilization	In 173-26-231(3)(a)(ii) add "for forage fishes, and prey resources and rearing habitats for salmonids".	Adding the proposed language does not change the intent or meaning of the provision.
76i	263	Shoreline Stabilization	In the high intensity environment, there is little opportunity for "soft" shoreline armoring so a geotechnical report should not be required for replacement in these areas.	Using professional expertise and advise as a basis for determining whether or not a real problem exists and how to properly solve is a reasonable and prudent means of assuring that the state's valuable shorelines are protected. Even in a highly built up environment opportunities exist for applying erosion management measures that are less harmful than the measures previously in place.
83d	0275	Shoreline Stabilization	More specific regulatory standards are required to provide safeguards against the impacts of bulkheads and particularly repair and maintenance of existing bulkheads. We suggest limiting such work to a given percentage of the structure within any three year period.	These statewide guidelines provide an overall appropriate level of detail to guide local government in development of a local SMP. The local SMP provides specific regulations appropriate to the local setting and community as necessary to assure protection of shoreline resources. Repair and maintenance is difficult to properly address at the general statewide level.

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86k	0279	Shoreline Stabilization	The guidelines should clarify whether principle and primary are interchangeable with regard to bulkhead repair and replacement. Does 173-26-231(3)(a)(iii) imply that bank stabilization is allowed only in situations where there is a danger to principle structures. What about shoreline stabilization structures that support (literally) other development.	Principal and primary are used interchangeably in the text. There is no difference. Accordingly a change is made in the document to use the term "primary" consistently.
91i, 91j, 91l	0285	Shoreline Stabilization	Clarify the line between hard and soft shoreline stabilization.	There is no line between hard and soft shoreline stabilization, it is a continuum. The concept of the erosion management provisions is that the physical forces at work are identified and appropriate measures taken to address those forces in a manner that is least damaging to shoreline ecological functions. The principles section identifies the difference between hard and soft armoring solutions to which the referenced section refers. The measures identified at the soft end of the continuum generally have less overall impact because that mimic natural processes. See, for example, the interagency Integrated Streambank Protection Guidelines, or Ecology's Alternative Bank Protection Methods for Puget Sound Shorelines at http://www.ecy.wa.gov/biblio/0006012a.html .
91k	0285	Shoreline Stabilization	In 231(3)(a)(iii)(B)(I) references to approved uses, approved development and speculative shoreline stabilization were removed when compared to the previously adopted version.	There was no "removal" of anything from this section. The section was drafted to properly implement the policy of the SMA. These provisions were not consistent with the drafting of this section and its' intended guidance for local SMPs.

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91m	0285	Shoreline Stabilization	In 231(3)(a)(iii)(E) change the third bullet to read "mitigate the structural shoreline stabilization, including	Any kind of shoreline stabilization measure may have impacts to shoreline ecological functions in a given setting and therefore it is more appropriate that current language be retained in order to be consistent with the overall direction of the guidelines.
91n	0285	Shoreline Stabilization	Change 231(3)(a)(iii)(F) to read, "For geologically hazardous areas..."	Geologically hazardous areas may include areas subject to erosion as a result of current, wind, wave etc in water bodies. The reference here is specifically to geological hazards common on the shoreline but not resulting from such forces.
92a	0288	Shoreline Stabilization	231(3)(D) appears to require a geotechnical report for simple repairs.	The provisions of 231(3)(C) establish that qualified replacement structures do not require a geotechnical analysis. The reference in 231(3)(D) applies to the other parts of the section where geotechnical analysis is required.
93c	0294	Shoreline Stabilization	Why are there special requirements for pre-1992 SFR bulkheads?	The provision is derived directly from RCW 90.58.100(6).

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
30c, 35b, 65b,75d	0170, 0178, 0241, 0262	Shoreline Stabilization	<p>An area of concern is the blanket approach to bulkheads and the interest in their removal, or at least minimizing repair and replacement, under these rules. An example of the approach to the bulkhead issue is found in the section where DOE states that if the shoreline recedes because of a bulkhead removal and threatens structures, then the structure should be considered for relocation. Erosion control, flood control projects, bulkheads will be very expensive and harder to permit, and we will see an increase of geotechnical reports, more mitigation. The guidelines' scientific bases for its bulkhead standards are wrong, unsupported, or contested.</p>	<p>As established in the 173-26-231(3) Substantial evidence exists that bulkheads and other erosion management measures have substantial cumulative adverse impacts on shorelines resources. The system proposed assures that environmentally appropriate erosion management measures will be permitted when there is a demonstrated need for them. Relocation of structures is identified as an option for consideration that may avoid impacts to shoreline resources. It is not written in a way that compels relocation.</p>

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
90a, 33d	0174, 0283	Shoreline Stabilization	Tires, gabions & concrete groins should be eliminated from the list of suitable materials in 173-26-231. WAC 173-26-231(d) should be amended to include barbs and grade control structures. Groins, weirs, barbs and grade control structures are recognized as normal repair of highly eroded infrastructure sites per Federal Guidelines and are used to minimize hard shoreline armoring and to minimize continuing maintenance. These techniques for existing infrastructure protection should be exempt and not need a conditional use permit	The list provided is not exclusive but rather intended to illustrate the range of measures. Clearly those near the bottom of the list are there because they are more likely to have adverse impacts to the environment. However the State's shorelines are vast and varied and a measure that may be absolutely inappropriate in one setting may be the only feasible solution in another and with proper mitigation would therefore be acceptable under the system. Tires are probably never appropriate or feasible.
57b, 58a	0206, 0209	Shoreline Stabilization	Why is a CUP required for a breakwater that protects private property.	Protection of individual residential properties from erosion is generally addressed through the provisions for shoreline stabilization. Breakwaters typically extend perpendicular to the shoreline and into water areas that may have significant resources or public uses. The conditional use permit assures consideration of the statewide public interests in those areas.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
8e	0097	SMA & CAO Overlap	Integration with respect to critical areas regulation could be facilitated rather than hindered by adopting the same standard for protection of critical areas within Shoreline jurisdiction. Having two different standards just confounds jurisdictions struggling to comply with both sets of requirements.	Engrossed Substitute House Bill 1933, Chapter 321 Laws of 2003 addresses this issue. Once a new master program is adopted, it becomes the critical area regulation for the shoreline area. RCW 90.58.090(4) was amended to read: The department shall approve the segment of a master program relating to critical areas as defined by RCW 36.70A.030(5) provided the master program segment is consistent with RCW 90.58.020 and applicable shoreline guidelines, and if the segment provides a level of protection of critical areas at least equal to that provided by the local government's critical areas ordinances adopted and thereafter amended pursuant to RCW 36.70A.060(2). The standards in the guidelines for critical areas were coordinated with the GMA critical areas guidance.
12	0119	SMA & CAO Overlap	WAC 173-26-221(2)(b) "...provided that the CAO meets the standards of the guidelines. It can be incorporated by reference." This section needs to be clarified.	All parts of an SMP must meet the requirements of the guidelines including any parts derived from other local ordinances. Thereby, a local CAO may be used to meet these requirements provided that it is consistent with the guidelines otherwise.
16f,16g	0130	SMA & CAO Overlap	Chapter 36.70A RCW regulates critical areas, including wetlands and since the GMA and SMA have been integrated, the guidelines should not duplicate existing regulatory requirements. The draft guidelines also require the establishment of buffer zones around all wetlands. Once again, wetland buffers are a function of established critical areas ordinances.	The Legislature has not removed the overlapping jurisdictions of the GMA and SMA but did address this issue in Engrossed Substitute House Bill 1933. Please refer to section 3 of the bill which adds new text to RCW 90.58.090(4) about approving master program language relating to critical areas.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
16n	0130	SMA & CAO Overlap	CAOs under the GMA regulate all critical areas. The GMA does not have a restoration standard. Local governments will have to have two sets of regulations for critical areas in SMA jurisdiction. The Guidelines aim for restoration is clearly beyond the scope of the GMA.	Since 1995 the policy of the SMA has been incorporated as the 14th Goal of GMA. The policy and authority of the SMA supports planning for restoration of shorelines and it therefore necessary to compliance with both the SMA and GMA that the guidelines incorporate a restoration planning provision.
22b	0156	SMA & CAO Overlap	Throughout the document there were critical area ordinances, storm water management plans, and flood management plans in most areas. Why does the shoreline act seem to want to repeat all those processes?	The Act articulates the higher social value placed on shorelines by the public and legislature. Consequently, it contains higher standards for their development and protection than is generally the case with non-shorelines. The master program guidelines and master programs themselves are required to be consistent with those higher standards.
22c	0156	SMA & CAO Overlap	Aren't most shorelines automatically critical areas?	Shorelines contain critical areas. Certainly, wetlands, floodplains and fish habitat among others are characteristic of shoreline areas. However, all shorelines are not critical areas.
22d	0156	SMA & CAO Overlap	Can we use a dual amendment process for integrating SMA plans with Comp Plans? There isn't any like a combined effort in there that would make one process one SEPA process.	The level of coordination between local SMA and GMA compliance efforts is largely a local decision. While there are some procedural challenges due to differences between the statutes, overall there is nothing to prevent a fully coordinated process nor is there anything to prevent a jurisdiction from maintaining substantial separation if they so choose.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
28c	0166	SMA & CAO Overlap	173-26-201(2): The language directs local government to "identify and assemble the most current, accurate, and complete scientific and technical information . . ." Are you referring to, or is this considered equivalent of BAS?	That is not a reference to BAS but a paraphrasing the 32 year old language of RCW 90.58.100(1) which is the science standard of the SMA.
28d	0166	SMA & CAO Overlap	173-26-201(2)(c), 1st paragraph. Is there a conflict between "ecological functions" as described under (c) and "functions and values" as described in the GMA?	Ecology believes the two are compatible.
45a	0192	SMA & CAO Overlap	I think Ecology should add to the guidelines to clarify the application of HB 1933 both to existing SMPs, though I don't think it applies at all, and how it will apply to the new SMPs that will be approved under these guidelines.	The guidelines are future oriented and do not address the content or status of SMPs adopted prior to adoption of these guidelines in any other way. The section on Critical areas has been clarified with regard to how the provisions of ESHB 1933 will be applied to master programs reviewed under the guidelines. Where existing plans or regulations meet the requirements of the guidelines, they should be used or reference to meet.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
29b, 32, 44, 54, 55, 56a, 97c	0167, 0173, 0189, 0203, 0204, 0205, 0210, 0212, 0285	SMA & CAO Overlap	There appears to be some confusion in the subsection on standards for critical areas. We suggest that this could be easily fixed and recommend that Ecology add a concluding sentence to this section that clearly establishes that equivalency means that the critical areas regulations must meet the standards found in 201.2(a), use of scientific and technical information.	The provisions of 173-26-221(2) have been revised to clarify the relationship of SMPs to CAOs and compliance with the guidelines.
60h	0222	SMA & GMA Integration	It would be helpful if there were guidance on integration of the SMP and CAO.	Ecology and CTED are working together to provide the requested guidance.
70b	0257	SMA & GMA Integration	The SMP should be focused on protecting ecological functions and not land use. Local zoning should be the sole guide of land use.	The proposal is not consistent with the Shoreline Management Act. Shoreline use is an important policy element of the SMA in addition to protection of the environment. Local zoning must be compatible with the policies of the SMA and the guidelines. The comprehensive planning process under GMA and SMA should strive for mutual consistency.
91d	0285	SMA & GMA Integration	Concerning the administrative provisions in 173-26-191(2)(a)(iii), shouldn't the local procedures also be consistent with 36.70B	1995 amendments to the SMA provided for consistency between SMA and GMA administrative provisions however the SMA governs SMA administration.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
94a	0299	SMA & GMA Integration	Haven't we done all this already under GMA.	A basic motivation for updating of the guidelines is to provide a basis for consideration of GMA plans and policies that was lacking in the previous guidelines because they predated GMA by 18 years. Mutual consistency between SMA and GMA plans and policies is required. The SMA is compatible with the GMA but does have a somewhat different orientation and focus that local governments are required to carry out. If the local governments work on GMA incorporated adequate consideration of the state's interests in shorelines the those existing local policies should carry over into the SMP relatively easily.
41c	0185	SMA/GMA Integration	What the legislature wanted was limited not expanded oversight.	Comment noted.
91a	0285	Specific Section 173-26-171(3)(a)	The provision should be changed to read" The guidelines contain policies, principles, and master program provisions for preparing and amending shoreline master programs."	The proposed change does not capture the full character of the effect of the guidelines as established in the SMA.
96a	0304	Specific Section 173-26-171(3)(c)	The sentence should refer to applicable development permits and not "guidelines".	The reference is to the fact that in those few jurisdictions without SMPs, development, including those reviewed through substantial development permits, must be consistent with the policy of the SMA and the guidelines. This situation is very rare.
96b	0304	Specific Section 173-26-176(2)	The sentence should be amended to add tsunamis to the list of natural forces, and modified to reflect that human impacts include residential and commercial development.	The existing sentence adequately captures the issues presented in the comment.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
74f	0261	Specific Section 173-26-201(1)	Two categories should be added: There are significant changes in scientific understanding of the impacts of development on ecological functions...; and There is a significant change in the status of natural resources...	The section addresses the differences in process between a major and minor SMP amendment and is not a trigger mechanism for when an amendment is necessary. All amendments require consultation with state agencies. Properly addressing the identified issues may not always require a major amendment.
74i	0261	Specific Section 173-26-201(2)(d)(ii)	Strike the words "and water related" from the section	The provision has been modified to clarify however, the inclusion of water-related use remains as the policies of the SMA in this regard are broadly stated and clearly include water-related uses.
28g	0166	Specific Section 173-26-201(3)(g)	173-26-201(3)(g): "...as a general rule, the less known about existing resources, the more protective . . ." WDFW supports this concept but how will it be applied? What if this does not occur?	Inventories based on existing information will have gaps in information which may not reasonably be addressed through additional inventory work given the cost, time and likelihood of development. Where that is the case the local government will be expected to provide protective regulations that assure that if development is proposed, a full investigation will be conducted to assure protection of shoreline ecological functions.
96d	0304	Specific Section 173-26-221(2)(b)	Typographic Error	Comment noted and change made.
74s	0261	Specific Section 173-26-221(2)(c)(iii)(C)	This subsection establishes standard for development in critical aquatic habitat but the only activity mentioned is docks..	In the first paragraph the section clearly applies to "Docks, bridges, fill, floats, jetties, utility crossing and other human made structures.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
28i	0166	Specific Section 173-26-221(5)(b)	173-26-221(5)(b): " . . . a nearly continuous corridor of mature forest . . . " does not entirely characterize riparian conditions of the Pacific Northwest. Eastern Washington systems are quite often not lined by any forest, and even in Western Washington a meandering system may have young stands and still be properly functioning.	Comment noted.
91h	0285	Specific Section 173-26-221(5)(c)(i)	Normally where there is an (i) there is an (ii) also.	Only one standard appeared necessary and appropriate. The variability of potentially appropriate standards on a statewide basis indicates that simple direction to implement the policy would provide the necessary flexibility.
74y	0261	Specific Section 173-26-231(3)(g)	Add "Conduct monitoring to verify whether the project has the intended effect on the ecosystem.	Monitoring may not be a reasonable requirement for all projects of this type. Such a requirement may be added by local government in the SMP or at the permit level if needed.
91q	0285	Specific Section 173-26-241(3)	The provisions of 241(3) just repeat the principle stated in 241(a)(i).	The sentence is necessary under the structure of the guidelines to link the principles and standards.
91t	0285	Specific Section 173-26-241(3)(j)	Duplexes and condominiums should be included in 241(3)(j).	Within the realm of residential development, the policy of the SMA only recognizes Single Family residential as a priority use. Local government may find that other types of residential uses are necessary and appropriate on a given shoreline provided that it is not at the expense of the preferred uses. The no net loss standard is equally applicable and reasonable for single family subdivisions as for any other use or development that may be proposed on the shoreline.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
74bb	0261	Specific Section 173-26-251(3)(d)(i)	Amend 173-26-251(3)(d)(i) to reference to add migratory and resident to the list of fish habitats and add rearing and nesting habitats of migratory and sensitive shorebirds, intact habitats representative of vulnerable species and ecosystems and unique environments supporting rare plant and animal species.	This is a non-exclusive list of examples so the change does not add to the provision. If the features listed in the suggestion qualify, they are by definition included.
74cc	0261	Specific Section 173-26-251(3)(d)(ii)	In 173-26-251(3)(d)(ii) replace the term "water oriented" with the term "water dependent".	The policy of the SMA gives preference to wide variety of uses beyond strictly water dependent uses and therefore the proposed change is inappropriate.
22a	0156	SSWS	Which goals take precedence, the general ones of WAC 173-26-176 or the special ones of WAC 173-26-181?	Section 181 applies to shorelines of statewide significance only and on those shoreline of statewide significance, it takes precedence over section 176.
52l	0201	SSWS	The consultation requirements for shorelines of statewide significance include a requirement for local government to consult statewide interest groups. Identification of these groups could be difficult for local government.	Ecology will provide guidance and assistance to local governments that request it to assure that statewide interest groups are properly identified. This provision was carried over from the 1972 Guidelines WAC 173-16.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
74a	0261	SSWS	Include DNR's statewide interest. (DNR owns almost all of them)	The requirement for consultation with effected state agencies is firmly established in the guidelines as a requirement applicable to all shorelines including SSWS. DNR will also be an important contributor as the agency has proprietary interest in many SSWS, particularly bedlands. However, the land areas that qualify as shorelands associated with the SSWS rivers, lakes, and other marine waters of the state are primarily in private ownership, so Ecology does not believe the rule should emphasize any one proprietary interest.
74d	0261	SSWS	173-26-176 Does not address the policy goals of SSWS.	The SSWS priorities are addressed in the next section 173-26-181.
92b, 95	0288, 0300	Threatened & Endangered Species	Are SMPs required to comply with the ESA?	The purpose of the guidelines is to assure compliance with the requirements of the SMA. The department of Ecology does not intend that the guidelines be used to require compliance with the ESA as a part of review and approval of local SMPs. The SMA provides for the protection of aquatic and terrestrial resources.
43b	0187	Timing & Funding of SMP Rewrites	I would like to request that you minimize the compliance costs for the local jurisdictions making SMP changes. For example, making inventory and analysis information publicly available via websites or a bibliography maintained to preclude cities and counties from having to redevelop their own list of expert scientific and technical information.	The requirements of the guidelines have been carefully scrutinized to assure that they reflect minimum requirements for compliance with the requirements of the SMA and needed flexibility to address the wide range of communities that must comply. Ecology is committed to working with local governments to assist them in successful compliance with the guidelines. Web based availability of information and resources are a priority.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
52c	0201	Timing & Funding of SMP Rewrites	Do the requirements of 173-26-201(1)(d) somehow supercede the regular update requirements of the statute.	The provisions of the cited section (173-26-201(1) establish when a local government must use a comprehensive process as opposed to the minimum process established in WAC 173-26-100. Ecology has very limited ability to require update of an SMP except for the regular update provision of the statute. However, local government may submit amendments at any time. The purpose of this section is to establish that if the local government intends to submit an amendment that is of a significant nature, a more thorough process of public involvement, consideration of scientific information, policy and impacts, etc. is required.
86c	0279	Timing & Funding of SMP Rewrites	Effect of HB 2030 will cut Seattle's revenues (B&O tax)	Funds were appropriated for purposes of SMP update this biennium and are expected to be available in future biennia. The effect of other legislative action on city revenues is far beyond the scope of this document.
8f, 16q, 68c, 69e, 78c, 78e, 94c, 98	0097, 0130, 0255, 0256, 0265, 0299, 0306	Timing & Funding of SMP Rewrites	If sufficient funding for f inventory and analysis is not provided how will local government implement those requirements? The 2-year deadline should start @ time of approval of scope of work/budget.	The Legislature appropriated \$2 million for a master program update grant program. The Legislature also stated its intent to fully fund future updates. The two year period is set in Statute and cannot be modified by the guidelines.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
58j	0220	Transportation	173-26-231(3)(b) concerning planning for piers and docks provides for local involvement in planning that is not currently part of the DOT. Local government looks at the projects at the permit level.	In order for local government to properly plan for the accommodation of necessary facilities in their SMP, they need to be involved in the planning stages for these projects.
58l	0220	Transportation	The guidelines should be reconciled with the work of TPEAC.	The effort to develop new Shoreline Guidelines and the TPEAC effort have been well coordinated. Several members of TPEAC are also involved in the Guidelines effort. The focus of the TPEAC is primarily on permit processes while the guidelines are oriented toward assuring that the local Shoreline Master Programs properly address the standards by which local shoreline development is regulated. Proper standards assure that permits can be issued efficiently.
59a	0221	Transportation	The environment designation system must include a designation/definition of major transportation facilities. A new transportation facilities section should be added to consolidate compliance requirements.	Local government SMPs are required to include a circulation element and to provide for mutual consistency with GMA plans including infrastructure plans. Where transportation facilities are a major element of existing or proposed shoreline use, local government should include appropriate provisions for such facilities.
71b	0258	Transportation	173-26-231(3)(cc) prohibits fill waterward of OHWM. Major rail transportation facilities currently exist at the waters edge and any improvements to these facilities would be prohibited by this requirement(Sound Transit).	Comment noted, a change has been made to the section to include a very limited exception for the situation described to the current list of exceptions.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
33c	0174	Transportation	WAC 173-26-231(3)(a)(iii) should be amended to include public safety using existing transportation infrastructure. The Legislature and the Governor has on numerous occasions stated that public safety is of high importance to all levels of state government.	Assuring that a facility is designed for public safety is an element of the need for the facilities and its various features. An amendment for this purpose is not necessary.
33f	0174	Transportation	WAC 173-26-211(5) should be amended to include the 'built' environment as described in RCW 90.58.100(2)(d). The purpose, management policies and designation criteria should be described for the continued operation and maintenance of existing transportation infrastructure and other public facilities in the shorelines area.	Local government is required to address the elements of 90.58.100(2) in its master program. Because some of these elements (including transportation) have significant overlap with GMA comprehensive plan elements, it was concluded that these elements should be deemphasized in the guidelines so as to avoid unnecessary overlap. The SMP is an element of the comprehensive plan and therefore the internal consistency requirements of GMA apply.
71a	0258	Transportation	Some transportation facilities are shoreline dependent as distinct from water dependent. (Sound Transit)	Transportation facilities such as roads and railroads clearly do not require a shoreline location in order to function as indicated by the fact that the vast majority of such facilities are not in the shoreline. The policy of the SMA does not support their inclusion. Provisions are made for appropriate accommodation of such facilities where necessary. See response to comment 71b.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
90b	0283	Transportation	Ferry Terminals should be addressed as a separate use activity.	Local governments that deal with ferry terminal issues may provide specific use regulations for such uses. Ecology, Transportation and DNR would certainly be interested in assisting the development of such provisions. Statewide, ferry terminals are fairly rare so are not dealt with in the guidelines.
52i	0201	Typographic error	173-26-241(2)(d) "effects" should be "affects".	Noted and corrected, Thank you.
86d	0279	Typographic error	Erroneous references to previous guidelines rules	Comment noted and correction made.
91c	0285	Typographic error	173-25-186 refers to other WACs which don't seem to exist.	Comment noted and correction made.
96c	0304	Typographic error	Reference to 36.70A.172 is incorrect.	Comment noted and correction made.
46h	0193	Vegetation Conservation	If use of water is so important, why are trees required that obstruct those views, and why is waterside shade from trees good while shade from docks so bad?	The ecological functions of the shoreline are a product of the interaction of land, water, air, vegetation and fish and wildlife. In most shorelines native trees are a central element of the mix and thereby are important shoreline features. Clearly the shade provided by a standing tree is different from that provided by the deck of a dock a few feet above the water. Docks sometimes do provide habitat but sometimes it is habitat for introduced or predator species that prey on more desirable species wherein the dock provides unnatural advantage to the predator. Shade provided by trees is different from that provided by over water structures. In addition, shade is only one of many benefits trees provide in sustaining shoreline ecological processes.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
52g	0201	Vegetation Conservation	The vegetation conservation section requires clarification so that it applies to natural vegetation.	Using the term "natural" raises questions as to what is natural. The focus of the section is on protection of ecological functions performed by vegetation. To this end a preference certainly attaches to native vegetation but in some highly altered settings any vegetation would be important even that which some may consider non-natural.
60e	0222	Vegetation Conservation	The vegetation conservation section requires clarification of its applicability to exempt uses.	The Local government's SMP is a comprehensive use plan (90.58.030(3)(b) and regulation (RCW 90.58.100(1)). As such its scope includes changes to existing as well as establishment of new uses. Local government has the authority to decide specific means and measures to implement the provisions of the guidelines including precise applicability of the vegetation conservation requirements provided that the overall intent is implemented. References to development that is exempt from the requirement to obtain a permit in the guidelines is intended to be interpreted within the context of the SMA and not to apply to other non-SMA regulations.
65a	0241	Vegetation Conservation	The extrapolation of the benefits of riparian vegetation on rivers to Puget Sound is inappropriate.	Appropriate vegetation conservation standards, based on scientific information are required for all shorelines so as to assure no net loss of shoreline ecological functions. The guidelines apply to all of the shorelines of the state which includes rivers and lakes, east side and west side. In addition to the marine waters. Where vegetation's contribution is demonstrably low the need to regulate will correspond.
74m	0261	Vegetation Conservation	173-26-201(d)(viii) should require that new development meets vegetation conservation and restoration objectives.	The clear intent of the guidelines is that private development is not obligated to provide restoration as a condition of approval of a shoreline development, only to assure no net loss.

Comment Code Number	Comment Letter Number	Subject	Comment	Response to Comment
75c	0262	Vegetation Conservation	The guidelines 'scientific basis' for its vegetation conservation standards are wrong, unsupported, or contested.	Appropriate vegetation conservation standards, based on scientific information are required for all shorelines so as to assure no net loss of shoreline ecological functions. The guidelines apply to all of the shorelines of the state which includes rivers and lakes, east side and west side. In addition to the marine waters. Where vegetation's contribution is demonstrably low the need to regulate will correspond.
46c	0193	Water Quality	As to the derided manicured plantings along shorelines, including lawns, where is the study proving their incapability of absorbing pollutants, especially when grass is an accredited filterer for grass lined swales.	Comment noted.
16s	0130	Water Rights	The section on In-Stream Structural Use contains provisions that may impair or otherwise impacts the withdrawal of certificated water rights.	Reasonable means of withdrawing water in accordance with a water right are available under the terms of the provision. Only those means that would not protect the ecological functions of the water body would not be allowed.
46d	0193	Wildlife	Ch. 5 states elk are an animal that required "large areas of intact natural vegetation". Landowners in the Mount Si area experience severe degradation of their unnatural orchards and yard vegetation by elk herds that were introduced to the area.	Comment noted.
79b	0266	Wildlife	The RCW does not mention wildlife corridors	Comment noted.

IV. Differences Between Proposed and Final Rule

Itemized below are seventeen specific changes to the draft version of WAC 173-26 circulated for review and comment, which are proposed for adoption in new guidelines. Changes are listed in order of appearance within the document. Each includes a brief explanation of the basis for the change. Changes to the text are indicated with ~~strike through~~ for deleted text and underline for added text. The entire section or subsection or paragraph is included as necessary for clarity, with each sentence in which a change has been made highlighted in gray.

Change #1

Basis for change: Comment identified. The reference in definition (13) is obsolete, and was missed in editing of the draft rule. Several comments identified concern regarding the inclusion and or deletion of examples from the definition of water-dependent use. Because the examples are not regulatory in effect they have been deleted. Because they are interrelated and for consistency purposes, the examples are also deleted from the definition of water enjoyment and water related uses.

1)WAC 173-26-020 Definitions

(13) "Feasible" means, for the purpose of this chapter, that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:

(a) The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;

(b) The action provides a reasonable likelihood of achieving its intended purpose; and

(c) The action does not physically preclude achieving the project's primary intended legal use.

In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames. For the provisions of Part IV, this evaluation shall give special consideration and precedence to protecting PFC for T&E species.

~~(54) (36) "Water-dependent use" means a use or portion of a use which cannot exist in a location that is not adjacent to the water but is dependent on the water by reason of the intrinsic nature of its operations. Examples of water dependent uses include ship cargo terminal loading areas, fishing, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas,~~

~~aquaculture, float plane facilities, and hydroelectric dams, surface water intake, and sewer outfalls.~~

~~(55) (37) "Water-enjoyment use" means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. Primary water enjoyment uses may include, but are not limited to:~~

- ~~▪ Parks with activities enhanced by proximity to the water;~~
- ~~▪ Piers and other improvements that facilitate public access to shorelines of the state;~~
- ~~▪ Restaurants with water views and public access improvements;~~
- ~~▪ Museums with an orientation to shoreline topics;~~
- ~~▪ Aquariums;~~
- ~~▪ Scientific/ecological reserves;~~
- ~~▪ Resorts with uses open to the public and public access to the shoreline; and any combination of those uses listed above.~~

~~(58) (40) "Water-related use" means a use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:~~

~~(a) The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or~~

~~(b) The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.~~

~~Water-related uses include manufacturing of ship parts large enough that transportation becomes a significant factor in the product's cost, professional services serving primarily water-dependent uses, and storage of water-transported foods. Other examples of water related uses include the warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, oil refineries where transport is by tanker, and upland log storage for water-borne transportation.~~

Change #2

Basis for change: Comment identified that the inclusion of the governing principles appears to elevate them to comparable status as the policy of the act. The intent was to include the principles to assist with interpretation of the guidelines in light of the law. The introductory provision is amended to reflect this intent more clearly.

WAC 173-26-186 Governing Principles

The governing principles listed below are intended to articulate a set of foundational concepts that underpin the guidelines, guide the development of the planning policies and regulatory provisions of master programs, and provide direction to the department in reviewing and approving master programs. These governing principles, along with the policy statement of RCW 90.58.020, other relevant provisions of the Act, the regulatory reform policies and provisions of RCW 34.05.328, and the policy goals set forth in WAC 173-26-176 and WAC 173-26-181 ~~shall~~ should be used to assist in the interpretation of any ambiguous provisions and in the reconciliation of any conflicting provisions of the guidelines.

Change #3

Basis for change: Comments identified the last sentence in this section as potentially in conflict with the provisions of ESHB 1933 (2003). While there is some room for interpretation with regard to whether the sentence is correct with regard to designation of critical areas, it is clearly not consistent with ESHB 1933 with regard to protection of critical areas. Conclusion was that a sentence addressing only designation does not add anything to the principle or the guidelines as it is a matter of GMA compliance. To avoid confusion with the provisions of ESHB 1933, the sentence was deleted.

WAC 173-26-186 Governing Principles

(10) Local governments, in adopting and amending master programs and the department in its review capacity shall, to the extent feasible, as required by RCW 90.58.100(1):

- (a) Utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts;
- (b) Consult with and obtain the comments of any federal, state, regional, or local agency having any special expertise with respect to any environmental impact;
- (c) Consider all plans, studies, surveys, inventories, and systems of classification made or being made by federal, state, regional, or local agencies, by private individuals, or by organizations dealing with pertinent shorelines of the state;

(d) Conduct or support such further research, studies, surveys, and interviews as are deemed necessary;

(e) Utilize all available information regarding hydrology, geography, topography, ecology, economics, and other pertinent data;

(f) Employ, when feasible, all appropriate, modern scientific data processing and computer techniques to store, index, analyze, and manage the information gathered.

~~Under the GMA, the designation and protection of critical areas, including those located in shorelines of the state, shall include best available science pursuant to RCW 36.70A.172.~~

Change #4

Basis for change: Comment identified this word choice as inappropriate. Furthermore, the changes made by ESHB 1933 emphasize consistency between the SMP and other comprehensive plan elements. The SMP remains a part of a comprehensive plan, which may mean integrated, but clearly consistency between the SMP and Comprehensive Plan is required and therefore that word was used.

WAC 173-26-191 Master Program Contents

(1) Master Program concepts.

(a) Master program policies and regulations.

Shoreline master programs are both planning and regulatory tools. Master programs serve a planning function in several ways. First, they balance and integrate the objectives and interests of local citizens. Therefore, the preparation and amending of master programs shall involve active public participation, as called for in WAC 173-26-201(3). Second, they address the full variety of conditions on the shoreline. Third, they consider and, where necessary to achieve the objectives of chapter 90.58 RCW, influence planning and regulatory measures for adjacent land. ~~For jurisdictions planning under chapter 36.70A RCW, the Growth Management Act, the requirements for integration of consistency between shoreline and adjacent land planning are more specific and are described in WAC 173-26-191(1)(e).~~ Fourth, master programs address conditions and opportunities of specific shoreline segments by classifying the shorelines into "environment designations" as described in WAC 173-26-211.

Change #5

Basis for change: Numerous comments were made about the concept of no net loss of shoreline ecological functions indicating a lack of understanding of the intent of the guidelines with regard to how this standard is to be met. The originally proposed provisions can be made clearer. Therefore, this set of changes is intended to clarify that compliance with this standard is to be built into the SMP and that "net loss" refers to

measuring the protection of those shoreline ecological functions after taking compliance with the regulations and any mitigation measures into account.

WAC 173-26-201 Comprehensive process to prepare or amend a shoreline master program.

(2) Basic Concepts

(c) Protection of ecological functions of the shorelines.

This chapter implements the Act's policy on protection of shoreline natural resources through protection and restoration of ecological functions necessary to sustain these natural resources. The concept of ecological functions recognizes that any ecological system is composed of a wide variety of interacting physical, chemical and biological components, that are interdependent in varying degrees and scales, and that produce the landscape and habitats as they exist at any time. Ecological functions are the work performed or role played individually or collectively within ecosystems by these components.

As established in WAC 173-26-186(8) these guidelines are designed to assure, at minimum, no net loss of ecological functions necessary to sustain shoreline natural resources and to plan for restoration of ecological functions where they have been impaired. Managing shorelines for protection of their natural resources depends on sustaining the functions provided by:

- Ecosystem-wide processes such as those associated with the flow and movement of water, sediment and organic materials; the presence and movement of fish and wildlife and the maintenance of water quality.
- Individual components and localized processes such as those associated with shoreline vegetation, soils, water movement through the soil and across the land surface and the composition and configuration of the beds and banks of water bodies.

The loss or degradation of the functions associated with ecosystem-wide processes, individual components and localized processes can significantly impact shoreline natural resources and may also adversely impact human health and safety. Shoreline master programs shall address ecological functions associated with applicable ecosystem-wide processes, individual components and localized processes identified in the ecological systems analysis described in WAC 173-26-201(3)(d)(i).

Nearly all shoreline areas, even substantially developed or degraded areas, retain important ecological functions. For example, an intensely developed harbor area may also serve as a fish migration corridor and feeding area critical to species survival. Also, ecosystems are interconnected. For example, the life cycle of anadromous fish depends upon the viability of freshwater, marine, and terrestrial shoreline ecosystems, and many wildlife

species associated with the shoreline depend on the health of both terrestrial and aquatic environments. Therefore, the policies for protecting and restoring ecological functions generally apply to all shoreline areas, not just those that remain relatively unaltered.

Master programs shall contain policies and regulations that assure at minimum, no net loss of ecological functions necessary to sustain shoreline natural resources. To achieve no net loss of ecological functions as a result of this standard while accommodating appropriate and necessary shoreline uses and development, master programs should establish and apply:

- Environment designations with appropriate use and development standards, and associated use
- Provisions to address the impacts of specific common shoreline uses, development activities and modification actions, and
- Provisions for the protection of critical areas within the shoreline, and
- Provisions for mitigation measures and methods to address unanticipated impacts consistent with the provisions of these guidelines.

When based on the inventory and analysis requirements and completed ~~Done~~ consistent with the specific provisions of these guidelines, this the master program should ensure that development will not impair currently functioning habitat or reduce the function of already impaired habitat be protective of ecological functions necessary to sustain existing shoreline natural resources and meet the standard. The concept of “net” as used herein, recognizes that any development has potential or actual, short term or long term impacts and that through application of appropriate development standards and employment of mitigation measures in accordance with the mitigation sequence, those impacts will be addressed in a manner necessary to assure that end result will not diminish the shoreline resources and values as they currently exist. Where uses or development that impact ecological functions are necessary to achieve other objectives of RCW 90.58.020, master program provisions shall, to the greatest extent feasible, protect existing ecological functions and avoid new impacts to habitat and ecological functions before implementing other measures designed to achieve no net loss of ecological functions.

Master Programs shall also include policies that promote restoration of ecological functions, as provided in WAC 173-26-201(2)(f), where such functions are found to have been impaired based on analysis described in WAC 173-26-201(3)(d)(i). It is intended that local government, through the master program, along with other regulatory and non-regulatory programs contribute to restoration by planning for and fostering restoration and that such restoration occur through a combination of public and private programs and actions. Local government should identify restoration opportunities through the shoreline inventory process and authorize, coordinate and

facilitate appropriate publicly and privately initiated restoration projects within their Master Programs. The goal of this effort is master programs which include planning elements that, when implemented, serve to improve the overall condition of habitat and resources within the shoreline area of each city and county.

Change #6

Basis for change: Numerous comments about preferred uses that indicate the provisions here and elsewhere, were either insufficiently preferential or overly exclusive or both. The overall intent of the changes is to improve consistency between the use preference provisions of the SMA and these provisions of the guidelines so that SMPs meet the statutory use preferences. This is done, by making distinction between navigation related water dependent and water related uses and other water oriented uses. This section also clarifies this by linking the preference to locations where navigation is legally identified as having priority (constitutional Harbor areas) and/or to other locations with accessibility for commercial navigation purposes (ships, barges, fishing boats), to assure that the proper level of preference is given for appropriate uses in those areas while allowing a somewhat more liberal application of the preference with regard to other water oriented use in other areas.

WAC 173-26-201 Comprehensive process to prepare or amend a shoreline master program.

- (2) Basic Concepts
- (d) Preferred uses.

As summarized in WAC 173-26-176 the Act establishes policy that preference be given to uses that are unique to or dependent upon a shoreline location. Consistent with this policy, these guidelines use the terms "water-dependent," "water-related," and "water-enjoyment," as defined in WAC 173-26-020, when discussing appropriate uses for various shoreline areas.

Shoreline areas, being a limited ecological and economic resource, are the setting for competing uses and ecological protection and restoration activities. Consistent with RCW 90.58.020 and WAC 173-26-171 through 186 local governments shall ~~should~~, when determining allowable uses and resolving use conflicts on shorelines within their jurisdiction, apply the following preferences and priorities in the order listed below, starting with (i) of this subsection. For shorelines of statewide significance, also apply the preferences as indicated in WAC 173-26-251(2).

- (i) Reserve appropriate areas for protecting and restoring ecological functions to control pollution and prevent damage to the natural environment and public health.
- (ii) Reserve shoreline areas for water-dependent and associated water related uses ~~and establish policies and regulations so that water-dependent development is consistent with comprehensive~~

ecological protection and restoration objectives. Harbor areas, established pursuant to Article XV of the State Constitution, and other areas that have reasonable commercial navigational accessibility and necessary support facilities such as transportation and utilities are generally considered navigable for commercial purposes should be reserved for water-dependent and water-related uses that are associated with commercial navigation unless the local governments can demonstrate that adequate shoreline is reserved for future water-dependent and water-related uses and unless protection of the existing natural resource values associated with of such areas preclude such uses. Local governments may prepare master program provisions to allow mixed-use developments that include and support water-dependent uses and address specific conditions that affect water-dependent uses.

- (iii) Reserve shoreline areas for other water-related and water-enjoyment uses that are compatible with water-dependent uses and ecological protection and restoration objectives.
- (iv) Locate single-family residential uses where they are appropriate and can be developed without significant impact to ecological functions or displacement of water-dependent uses.
- (v) Limit non-water-oriented uses to those locations where the above described either water-oriented uses are inappropriate or where non-water-oriented uses demonstrably contribute to the objectives of the Shoreline Management Act.

Evaluation pursuant to the above criteria, local economic and land use conditions, and policies and regulations that assure protection of shoreline resources, may result in determination that other uses are considered as necessary or appropriate and may be accommodated provided that the preferred uses are reasonably provided for in the jurisdiction.

Change #7

Basis for change: Numerous comments about the treatment of preferred uses in the guidelines that indicated the provisions here and elsewhere were insufficiently preferential to be consistent with the SMA. Some comments also identified concerns about consistency with ESHB 1933 and more specific deficiencies in the section. The first change below assures that existing water oriented uses and related facilities are inventoried as part of the use inventory, which by assuring recognition of existing preferred uses should enhance the planning for such uses. The second change addresses consistency with 1933. The and the third change simply adds to the list of examples of situations that might be treated as areas of special interest, to clarify that list further and add a specific reference to dredged material disposal sites in response to comments in that regard.

WAC 173-26-201 Comprehensive process to prepare or amend a shoreline master program.

- (3) Steps in preparing and amending a master program.
- (c) Inventory shoreline conditions.

Gather and incorporate all pertinent and available information, existing inventory data and materials from state agencies, affected Indian tribes, watershed management planning, port districts and other appropriate sources. Ensure that, whenever possible, inventory methods and protocols are consistent with those of neighboring jurisdictions and state efforts. The department will provide, to the extent possible, services and resources for inventory work. Contact the department to determine information sources and other relevant efforts. Map inventory information at an appropriate scale.

Local governments shall be prepared to demonstrate how the inventory information was used in preparing their local master program amendments.

Collection of additional inventory information is encouraged and should be coordinated with other watershed, regional, or statewide inventory and planning efforts in order to ensure consistent methods and data protocol as well as effective use of fiscal and human resources. Local governments should be prepared to demonstrate that they have coordinated with applicable inter-jurisdictional shoreline inventory and planning programs where they exist. Two or more local governments are encouraged to jointly conduct an inventory in order to increase the efficiency of data gathering and comprehensiveness of inventory information. Data from inter-jurisdictional, watershed, or regional inventories may be substituted for an inventory conducted by an individual jurisdiction, provided it meets the requirements of this section.

Local government shall, at a minimum, and to the extent such information is relevant and reasonably available, collect the following information:

- (i) Shoreline and adjacent land use patterns and transportation and utility facilities, including the extent of existing structures, impervious surfaces, vegetation and shoreline modifications in shoreline jurisdiction. Special attention should be paid to identification of water-oriented uses and related navigation, transportation and utility facilities.
- (ii) Critical areas, including wetlands, aquifer recharge areas, fish and wildlife conservation areas, geologically hazardous areas, and frequently flooded areas, as required by RCW 36.70A.170. See also WAC 173-26-221 (2) and (3).
- (iii) Degraded areas and sites with potential for ecological restoration.
- (iv) Areas of special interest, such as priority habitats, rapidly developing or redeveloping waterfronts, previously identified

toxic or hazardous material clean-up sites, dredged material disposal sites, or eroding shorelines, to be addressed through new master program provisions.

- (v) Conditions and regulations in shoreland and adjacent areas that affect shorelines, such as surface water management and land use regulations. This information may be useful in achieving mutual consistency between the master program and other development regulations.
- (vi) Existing and potential shoreline public access sites, including public rights-of-way and utility corridors.
- (vii) General location of channel migration zones, and flood plains.
- (viii) Gaps in existing information. During the initial inventory, local governments should identify what additional information may be necessary for more effective shoreline management.
- (ix) If the shoreline is rapidly developing or subject to substantial human changes such as clearing and grading, past and current records or historical aerial photographs may be necessary to identify cumulative impacts, such as bulkhead construction, intrusive development on priority habitats, and conversion of harbor areas to non-water oriented uses.
- (x) If archaeological or historic resources have been identified in shoreline jurisdiction, consult with the state historic preservation office and local affected Indian tribes regarding existing archaeological and historical information.

Change #8

Basis for change: Numerous comments about preferred uses that indicate the provisions here and elsewhere, were either insufficiently preferential or overly exclusive or both. The overall intent of the changes is to improve consistency between the use preference provisions of the SMA and these provisions of the guidelines so that SMPs meet the statutory use preferences. This provision is altered to clarify that in those jurisdictions with important harbor or port areas, specific attention needs to be paid to port plans and the preferred use provisions of the guidelines and the SMA.

WAC 173-26-201 Comprehensive process to prepare or amend a shoreline master program.

- (3) Steps in preparing and amending a master program.
 - (d) Analyze shoreline issues of concern
 - (ii) Shoreline use analysis and priorities.

Conduct an analysis to estimate the future demand for shoreline space and potential use conflicts. Characterize current shoreline use patterns and projected trends to ensure appropriate uses consistent with chapter 90.58 RCW and WAC 173-26-201(2)(d) and 173-26-211(5).

If the jurisdiction includes a designated harbor area or urban waterfront with intensive uses or significant development or redevelopment issues, work with the Washington state department of natural resources and port authorities to ensure consistency with harbor area statutes and regulations, and to address port plans. Identify measures and strategies to encourage appropriate use of these shoreline areas in accordance with the use priorities of chapter 90.58 RCW and WAC 173-26-201(2)(d) while pursuing opportunities for ecological restoration.

Change #9

Basis for change: Numerous comments about preferred uses that indicate the provisions were either insufficiently preferential or overly exclusive or both. In reviewing the related provisions, this section's reference to "priorities" was found to be misleading. The section referred to establishes "criteria" for designation and so the change was made to clarify this requirement.

WAC 173-26-201 Comprehensive process to prepare or amend a shoreline master program.

(3) Steps in preparing and amending a master program.

(f) Establish environment designations.

Establish environment designations and identify permitted uses and development standards for each environment designation.

Based on the inventory in (c) of this subsection and the analysis in (d) of this subsection, assign each shoreline segment an environment designation.

Prepare specific environment designation policies and regulations.

Review the environment designations for mutual consistency with comprehensive plan land use designations as indicated in WAC 173-26-211(3).

In determining the boundaries and classifications of environment designations, adhere to the priorities criteria in WAC 173-26-211(5).

Change #10

Basis for change: Numerous comments about the treatment of preferred uses in the guidelines that indicated that the provisions here and elsewhere, were insufficiently preferential. The intent of this change is to clarify that the High-intensity environment is the proper classification for areas with an existing character of high intensity water oriented uses and related activities.

WAC 173-26-211 Environment designation system

(5) The Designations

(d) High-intensity Environment

(iii) Designation Criteria

Assign a "high-intensity" environment designation to shoreline areas within incorporated municipalities, urban growth areas, and industrial or commercial "rural areas of more intense development," as described by RCW 36.70A.070, if, they currently support high-intensity uses related to commerce, transportation or navigation; or are suitable and planned for high-intensity water-dependent water-oriented uses related to commerce, transportation, or navigation.

Change #11

Basis for changes: Numerous comments pointed out issues or concerns with how the guidelines deal with the changes resulting from ESHB 1933. The changes in this section are all intended to more accurately and completely reflect the provisions of that bill as approved by the Legislature.

WAC 173-26-221 General Master Program provisions.

(2) Critical areas

(a) Applicability

Pursuant to the provisions of RCW 90.58.090(4) as amended by Chapter 321 Laws of 2003 (ESHB 1933), shoreline master programs must provide for management of critical areas designated as such pursuant to RCW 36.70A.170(1)(d) and required to be protected pursuant to RCW 36.70A.060(2) that are located within the shorelines of the state with policies and regulations that:

- (i) are in a manner consistent with the specific provisions of this section (2) critical areas and section (3) flood hazard reduction, and these guidelines, and
- (ii) in a manner that provides a level of protection to critical areas within the shoreline area that is at least equal to that provided by the local government's critical area regulations adopted pursuant to the Growth Management Act for comparable areas other than shorelines.

When approved by Ecology pursuant to RCW 90.58.090(4), a local government's SMP becomes the regulations for protection of critical areas within the shorelines of the state in the jurisdiction of the adopting local government except as noted in RCW 36.70A.480(3)(b) and (6).

The provisions of this section and section (3) flood hazard reduction shall be applied to critical areas, as defined by chapter 36.70A RCW within the shorelines of the state. Implementation of RCW 90.58.020 includes the management of critical areas in the shoreline in order to protect human health and safety and the state's natural resources. RCW 36.70A.030 defines

critical areas as stated below:

"Critical areas" include the following areas and ecosystems:

- a) Wetlands;*
- b) Areas with a critical recharging effect on aquifers used for potable waters;*
- c) Fish and wildlife habitat conservation areas;*
- d) Frequently flooded areas; and*
- e) Geologically hazardous areas."*

The provisions of WAC 365-190-080, to the extent standards for certain types of critical areas are not provided by this section and section (3) flood hazard reduction, and to the extent consistent with these provisions guidelines, are also applicable to and provide further definition of critical area categories and management policies.

As provided in RCW 90.58.030(2)(f)(ii) and 36.70A.480 RCW, as amended by Chapter 321 Laws of 2003 (ESHB 1933), Any city or county may also include in its master program land necessary for buffers for critical areas, as defined chapter 36.70A RCW, that occur within shoreline of the state, provided that forest practices regulated under chapter 76.09 RCW, except conversions to nonforest land use, on lands subject the provision of this subsection (2)(f)(ii) are not subject to additional regulations. If a local government does not include land necessary for buffers for critical areas that occur within shorelines of the state, as authorized above, then the local jurisdiction shall continue to regulate those critical areas and required buffers pursuant to RCW 36.70A.060(2).

(b) Principles.

Local master programs, when addressing critical areas, shall implement the following principles:

- (i) Shoreline master programs shall adhere to the standards established in the following sections, unless it is demonstrated through scientific and technical information as provided in 90.58.100(1) and as described in WAC 173-26-201 (2)(a) that an alternative approach provides better resource protection.
- (ii) In addressing issues related to critical areas, use scientific and technical information, as described in WAC 173-26-201(2)(a). ~~Local government should be aware of parallel requirements of the Growth Management Act regarding best available science, are provided for in chapter 36.70A RCW. The role of Ecology in reviewing master program provisions for critical areas in shorelines of the state will be based on the Shoreline~~

Management Act and these guidelines- and a comparison with requirements in currently adopted critical area ordinances for comparable areas in a manner consistent with the statute to ensure that the level of protection provided by the master program provisions are at least equal to the level of protection provided by the currently adopted critical areas ordinance.

- (iii) In protecting and restoring critical areas within shoreline jurisdiction, integrate the full spectrum of planning and regulatory measures, including the comprehensive plan, inter-local watershed plans, local development regulations, and state, tribal, and federal programs.
- (iv) The planning objectives of shoreline management provisions for critical areas shall be the protection of existing ecological functions and ecosystem-wide processes and restoration of degraded ecological functions and ecosystem-wide processes. The regulatory provisions for critical areas shall protect existing ecological functions and ecosystem-wide processes.
- (v) Promote human uses and values that are compatible with the other objectives of this section, such as public access and aesthetic values, provided they do not significantly adversely impact ecological functions.

~~(vii) Implement, where applicable and consistent with the objectives of the Shoreline Management Act, the minimum guidelines in WAC 365-190-080 and assure that the protection afforded to critical areas within the shorelines of the state is at least equal to the level of protection provided for non-shoreline critical areas within any one jurisdiction.~~

(c) Standards.

In reviewing the critical areas segment of a master program, the Department of Ecology shall first assure consistency with these standards of this section (2) Critical Areas, WAC 173-26-221(2) and with (3) the Flood Hazard Reduction section (WAC 173-26-221(3)), and shall then assure that the master program also provides protection of comparable critical areas that is at least equal to the protection provided by the local government's approved adopted and valid critical area regulations in effect at the time of submittal of the SMP.

In conducting the review for equivalency with local regulations, the department shall not further evaluate the adequacy of the local critical area regulations. Incorporation of the approved adopted and valid critical area regulations in effect at the time of submittal by reference as provided in

section 173-26-191(2)(b) shall be deemed to meet the requirement for equivalency. However, a finding of equivalency does not constitute a finding of compliance with the requirements of this section and section (3) flood hazard reduction, nor with the guidelines overall.

Note that provisions for frequently flooded areas are included in WAC 173-26-221(3).

Change # 12

Basis for Change: Comment from the Northwest Indian Fisheries Commission reminded the Department that certain shellfish beds were held for subsistence uses and a change was made to recognize that use.

WAC 173-26-221 General Master Program provisions.

- (2) Critical areas
- (c) Standards
 - (iii) Critical saltwater habitats
 - A) Applicability.

Critical saltwater habitats include all kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sandlance, Subsistence, commercial and recreational shellfish beds, mudflats, intertidal habitats with vascular plants, and areas with which priority species have a primary association. Critical saltwater habitats require a higher level of protection due to the important ecological functions they provide. Ecological functions of marine shorelands can affect the viability of critical saltwater habitats. Therefore, effective protection and restoration of critical saltwater habitats should integrate management of shorelands as well as submerged areas.

Change #13

Basis for change: These changes respond to specific comments from DNR, Corps of Engineers and Sound Transit. The Puget Sound Dredge Disposal Agreement has evolved into the Dredged Material Management Program of the Department of Natural Resources so the name needs to be changed in the text.

Sound Transit identified that the existing provisions of this guideline would prohibit fill in Puget Sound that is necessary for their project to provide double tracks continuously from between Everett and Seattle.

There are numerous locations around the state where major transportation facilities are located at the water's edge within shorelines of the state. While new facilities of that type are probably not a preferred use of shorelines, accommodation of changes to existing facilities, where no reasonable alternative exists, is probably appropriate

provided that such provisions are consistent with the environmental standard of the guidelines. Hence, “expansion or alteration of transportation facilities of statewide significance currently located on the shoreline and then only upon a demonstration that alternatives to fill are not feasible” is added to the list of situations under which fill below the ordinary high water mark of a shoreline is allowed provided that a conditional use permit is approved.

WAC 173-26-231 Shoreline Modifications

(3) Provisions for specific shoreline modifications

(c) Fill

Fills shall be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.

Fills waterward of the ordinary high-water mark shall be allowed only when necessary to support: a water-dependent use, public access, cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan, disposal of dredged material considered suitable under, and conducted in accordance with the Puget Sound Dredge Disposal Agreement Dredged Material Management Program of the Department of Natural Resources, expansion or alteration of transportation facilities of statewide significance currently located on the shoreline and then only upon a demonstration that alternatives to fill are not feasible, mitigation action, environmental restoration, beach nourishment or enhancement project . Fills waterward of the ordinary high-water mark for any use except ecological restoration should require a conditional use permit.

Change # 14

Basis for change: This change responds to comments from DNR and Corps of Engineers concerning undue limitations on dredging and dredged material disposal. The last change clarifies that discharge of dredge material into the flowing current of the river or in deep water within the channel is not intended to be addressed by the limitation on disposal with the channel migration zone.

WAC 173-26-231 Shoreline Modifications

(3) Provisions for specific shoreline modifications

(f) Dredging and dredge material disposal.

Dredging and dredge material disposal shall be done in a manner which avoids or minimizes significant ecological impacts and impacts which cannot be avoided should be mitigated in a manner that assures no net loss of shoreline ecological functions.

New development should be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging. **Dredging**

for the purpose of establishing, expanding, or relocating or reconfiguring navigation channels and basins should be allowed where necessary for assuring safe and efficient accommodation of existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided. Maintenance dredging of established navigation channels and basins should be restricted to maintaining previously dredged and/or existing authorized location, depth, and width ~~unless necessary to improve navigation.~~

Dredging waterward of the ordinary high-water mark for the primary purpose of obtaining fill material shall not be allowed, except when the material is necessary for the restoration of ecological functions. When allowed, the site where the fill is to be placed must be located waterward of the ordinary high-water mark. The project must be either associated with a MTCA or CERCLA habitat restoration project or, if approved through a shoreline conditional use permit, any other significant habitat enhancement project.

Master programs should include provisions for uses of suitable dredge material that benefit shoreline resources. Where applicable, master programs should provide for the implementation of adopted regional interagency dredge material management plans or watershed management planning.

~~Disposal of dredge material into~~ on shorelands and wetlands within river channel migration zones within shoreline jurisdiction but outside harbor areas shall be discouraged. In the limited instances where it is allowed, such disposal shall require a conditional use permit. This provision is not intended to address discharge of dredge material into the flowing current of the river or in deep water within the channel where it does not substantially effect the geohydrologic character of the channel migration zone.

Change # 15

Basis for Change: This change responds to several comments indicating concern that the provision did not include projects addressing removal of non-native or invasive plants. It is generally appropriate for SMPs to foster such projects in the same manner as natural systems enhancement projects. Depending on the jurisdiction's restoration planning, the SMP may recognize that particular modifications under this section are permitted.

WAC 173-26-231 Shoreline Modifications

(3) Provisions for specific shoreline modifications

(g) Shoreline habitat and natural systems enhancement projects.

Shoreline habitat and natural systems enhancement projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for priority species in shorelines.

Master programs should include provisions fostering habitat and natural

system enhancement projects. Such projects may include shoreline modification actions such as modification of vegetation, removal of non-native or invasive plants, shoreline stabilization, dredging, and filling, provided that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline. Master program provisions should assure that the projects address legitimate restoration needs and priorities and facilitate implementation of the restoration plan developed pursuant to WAC 173-26-201(2)(f).

Change #16

Basis for Change: One comment pointed out that the section on shoreline stabilization used both the term principal and primary with reference to structures that may be considered for protection from erosion. There is no intended distinction and the words are apparently used interchangeably, however, in order to avoid future confusion the term primary is substituted for principal throughout the section.

WAC 173-26-231 Shoreline Modifications

(3) Provisions for specific shoreline modifications.

(a) Shoreline stabilization.

(ii) Principles.

Shorelines are by nature unstable, although in varying degrees. Erosion and accretion are natural processes that provide ecological functions and thereby contribute to sustaining the natural resource and ecology of the shoreline. Human use of the shoreline has typically led to hardening of the shoreline for various reasons including reduction of erosion or providing useful space at the shore or providing access to docks and piers. The impacts of hardening any one property may be minimal but cumulatively the impact of this shoreline modification is significant.

Shoreline hardening typically results in adverse impacts to shoreline ecological functions such as:

- Beach starvation. Sediment supply to nearby beaches is cut off, leading to "starvation" of the beaches for the gravel, sand, and other fine-grained materials that typically constitute a beach.
- Habitat degradation. Vegetation that shades the upper beach or bank is eliminated, thus degrading the value of the shoreline for many ecological functions, including spawning habitat for salmonids and forage fish.
- Sediment impoundment. As a result of shoreline hardening, the sources of sediment on beaches (eroding "feeder" bluffs) are progressively lost and longshore transport is diminished. This

leads to lowering of down-drift beaches, the narrowing of the high tide beach, and the coarsening of beach sediment. As beaches become more coarse, less prey for juvenile fish is produced. Sediment starvation may lead to accelerated erosion in down-drift areas.

- Exacerbation of erosion. The hard face of shoreline armoring, particularly concrete bulkheads, reflects wave energy back onto the beach, exacerbating erosion.
- Ground water impacts. Erosion control structures often raise the water table on the landward side, which leads to higher pore pressures in the beach itself. In some cases, this may lead to accelerated erosion of sand-sized material from the beach.
- Hydraulic impacts. Shoreline armoring generally increases the reflectivity of the shoreline and redirects wave energy back onto the beach. This leads to scouring and lowering of the beach, to coarsening of the beach, and to ultimate failure of the structure.
- Loss of shoreline vegetation. Vegetation provides important "softer" erosion control functions. Vegetation is also critical in maintaining ecological functions.
- Loss of large woody debris. Changed hydraulic regimes and the loss of the high tide beach, along with the prevention of natural erosion of vegetated shorelines, lead to the loss of beached organic material. This material can increase biological diversity, can serve as a stabilizing influence on natural shorelines, and is habitat for many aquatic-based organisms, which are, in turn, important prey for larger organisms.
- Restriction of channel movement and creation of side channels. Hardened shorelines along rivers slow the movement of channels, which, in turn, prevents the input of larger woody debris, gravels for spawning, and the creation of side channels important for juvenile salmon rearing, and can result in increased floods and scour.

Additionally, hard structures, especially vertical walls often create conditions that lead to failure of the structure. In time, the substrate of the beach coarsens and scours down to bedrock or a hard clay. The footings of bulkheads are exposed, leading to undermining and failure. This process is exacerbated when the original cause of the erosion and "need" for the bulkhead was from upland water drainage problems. Failed bulkheads and walls adversely impact

beach aesthetics, may be a safety or navigational hazard, and may adversely impact shoreline ecological functions.

"Hard" structural stabilization measures refer to those with solid, hard surfaces, such as concrete bulkheads, while "soft" structural measures rely on less rigid materials, such as biotechnical vegetation measures or beach enhancement. There is a range of measures varying from soft to hard that include:

- Vegetation enhancement;
- Upland drainage control;
- Biotechnical measures;
- Beach enhancement;
- Anchor trees;
- Gravel placement;
- Rock revetments;
- Gabions;
- Concrete groins;
- Retaining walls and bluff walls;
- Bulkheads; and
- Seawalls.

Generally, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions.

Structural shoreline stabilization often results in vegetation removal and damage to near-shore habitat and shoreline corridors. Therefore, master program shoreline stabilization provisions shall also be consistent with WAC 173-26-221(5), vegetation conservation, and where applicable, WAC 173-26-221(2), critical areas.

In order to implement RCW 90.58.100(6) and avoid or mitigate adverse impacts to shoreline ecological functions where shoreline alterations are necessary to protect single-family residences and ~~principal~~ primary appurtenant structures in danger from active shoreline erosion, master programs should include standards setting forth the circumstances under which alteration of the shoreline is permitted, and for the design and type of protective measures and devices.

(iii) Standards.

In order to avoid the individual and cumulative net loss of ecological functions attributable to shoreline stabilization, master programs

shall implement the above principles and apply the following standards:

- A) New development should be located and designed to avoid the need for future shoreline stabilization to the extent feasible. Subdivision of land must be regulated to assure that the lots created will not require shoreline stabilization in order for reasonable development to occur using geotechnical analysis of the site and shoreline characteristics. New development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis. New development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas should not be allowed.
- B) New structural stabilization measures shall not be allowed except when necessity is demonstrated in the following manner:
- (I) To protect existing ~~principal~~ primary structures:
- New or enlarged structural shoreline stabilization measures for an existing ~~principal~~ primary structure, including residences, should not be allowed unless there is conclusive evidence, documented by a geotechnical analysis, that the structure is in danger from shoreline erosion caused by tidal action, currents, or waves. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis should evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization.
 - The erosion control structure will not result in a net loss of shoreline ecological functions.
- (II) In support of new non-water-dependent development, including single-family residences, when all of the conditions below apply:
- The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.
 - Nonstructural measures, such as placing the development further from the shoreline, planting

vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

- The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report. The damage must be caused by natural processes, such as tidal action, currents, and waves.
- The erosion control structure will not result in a net loss of shoreline ecological functions.

(III) In support of water-dependent development when all of the conditions below apply:

- The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.
- Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
- The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report.
- The erosion control structure will not result in a net loss of shoreline ecological functions.

(IV) To protect projects for the restoration of ecological functions or hazardous substance remediation projects pursuant to chapter 70.105D RCW when all of the conditions below apply:

- Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
- The erosion control structure will not result in a net loss of shoreline ecological functions.

C) An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect ~~principal~~ primary uses or structures from erosion caused by currents, tidal action, or waves.

- The replacement structure should be designed, located, sized, and constructed to assure no net loss of ecological functions.
- Replacement walls or bulkheads shall not encroach waterward of the ordinary high-water mark or existing structure unless the residence was occupied prior to

January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.

- Where a net loss of ecological functions associated with critical saltwater habitats would occur by leaving the existing structure, remove it as part of the replacement measure.
- Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high-water mark.
- For purposes of this section standards on shoreline stabilization measures, "replacement" means the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.

D) Geotechnical reports pursuant to this section that address the need to prevent potential damage to a primary structure shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation. As a general matter, hard armoring solutions should not be authorized except when a report confirms that there is a significant possibility that such a structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is that immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions. Thus, where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as the three years, that report may still be used to justify more immediate authorization to protect against erosion using soft measures.

E) When any structural shoreline stabilization measures are demonstrated to be necessary, pursuant to above provisions:

- Limit the size of stabilization measures to the minimum necessary. Use measures designed to assure no net loss of shoreline ecological functions. Soft approaches shall be used unless demonstrated not to be sufficient to protect primary structures, dwellings, and businesses.

- Ensure that publicly financed or subsidized shoreline erosion control measures do not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions. See public access provisions; WAC 173-26-221(4). Where feasible, incorporate ecological restoration and public access improvements into the project.
- Mitigate new erosion control measures, including replacement structures, on feeder bluffs or other actions that affect beach sediment-producing areas to avoid and, if that is not possible, to minimize adverse impacts to sediment conveyance systems. Where sediment conveyance systems cross jurisdictional boundaries, local governments should coordinate shoreline management efforts. If beach erosion is threatening existing development, local governments should adopt master program provisions for a beach management district or other institutional mechanism to provide comprehensive mitigation for the adverse impacts of erosion control measures.

F) For erosion or mass wasting due to upland conditions, see WAC 173-26-221(2)(c)(ii).

Change #17

Basis for change: This change responds to comments from the Department of Transportation and other indicating concern that this provision does not address bridges and other major transportation facilities that intersect and cross shorelines areas.

WAC 173-26-241 Shoreline Use Provisions

(2) General Use Provisions

(k) Transportation and parking.

Master programs shall include policies and regulations to provide safe, reasonable, and adequate circulation systems to, and through or over shorelines where necessary and otherwise consistent with these guidelines.

Transportation and parking plans and projects shall be consistent with the master program public access policies, public access plan, and environmental protection provisions.

Circulation system planning shall include systems for pedestrian, bicycle, and public transportation where appropriate. Circulation planning and projects should support existing and proposed shoreline uses that are consistent with

the master program.

Plan, locate, and design proposed transportation and parking facilities where routes will have the least possible adverse effect on unique or fragile shoreline features, will not result in a net loss of shoreline ecological functions or adversely impact existing or planned water-dependent uses. Where other options are available and feasible, new roads or road expansions should not be built within shoreline jurisdiction.

Parking facilities in shorelines are not a preferred use and shall be allowed only as necessary to support an authorized use. Shoreline master programs shall include policies and regulations to minimize the environmental and visual impacts of parking facilities.

V. Summary of public involvement opportunities

Early rounds of guidelines related outreach and development and rule-making included the following public involvement opportunities:

- 1992 to 1994: Ecology's Shorelands Growth Management Project delivers technical assistance to local governments targeted at SMA/GMA integration;
- Feb/March 1996: Open public focus groups held in Everett, Longview, Moses Lake and Tacoma; also conducted local shoreline planner "practitioner" surveys;
- July 1996: Statewide (400 eastside/400 westside) public opinion survey conducted;
- July 1996: First draft SMP Guidelines prepared, circulated to interested parties, and reviewed by Shorelines Policy Advisory Group (SPAG); four open public meetings held;
- October 1996: Comments of SPAG responded to in second draft SMP Guidelines, which is circulated for comment to interested parties;
- January 1997: Further guidelines development put "on hold" to work with Land Use Study Commission; new (LUSC) Workgroup convened July 1997 to address SMA/GMA integration issues;
- SMA/GMA (LUSC) Workgroup holds seven open public meetings, reaches no consensus, but issues October 1997 report providing detailed direction for more "efficient and effective" shoreline regulations;
- May 1998: With endorsement of Governor and JNRC, Ecology establishes the Shorelines Guidelines Commission with caucuses including cities, counties, tribes,

ports, forestry, the environmental community, and water-dependent business;

- July '98- January '99: Guidelines Commission holds 19 open public meetings to advise Ecology on guidelines update, reviews two new draft guidelines rules;
- February 16, 1999: Guidelines Commission issues final report advising Ecology to proceed with broader public rule adoption process;
- April 21, 1999 – August 4, 1999: Held nine public hearings as part of public rule adoption process and received more than 2,500 letters. After review of public comments, Ecology withdraws rule to clarify and fine-tune language; notably local governments request better coordination with federal services in addressing ESA compliance;
- December 17, 1999 – March 1, 2000: Held “informal” public comment period on working draft guidelines. Mailer sent to interested parties announcing public comment period. Working draft posted on Internet site. Received approximately 100 letters;
- September, 1999 – May 2000: Met with federal agencies and tribes to prepare the optional “Path B” of rule for local governments that choose to seek an ESA take exception for their master programs, conducted “informal” review period on draft Path B with local and state agencies;
- August, 1999 – May 2000: Met extensively with Legislators, local governments and interest groups at meetings, conferences and workshops to present information and gather input on draft rule;
- June 2000 - Ecology formally begins public comment on a revised set of draft guidelines. The proposal would have established two options for cities and counties in updating their shoreline master programs: Path A responded to local governments that wanted more flexibility in how they met the standards of the Shoreline Management Act; Path B contained more-specific measures for protecting shoreline functions and had been blessed by federal fish agencies as meeting endangered-species requirements;
- November 29, 2000 - Ecology adopts new shoreline management guidelines;
- December 2000 – AWB appeals the new guidelines to the Shoreline Hearings Board, representing a coalition of business organizations, cities and counties. WEC leads a coalition that intervenes in support of the Guidelines;
- August 27, 2001 - In a split decision, the Shoreline Hearings Board rules that Ecology failed to properly conduct the review process and that certain provisions of Path B exceeded statutory authority. The ruling invalidates the new guidelines, but

does not invalidate Ecology's repeal of the previous guidelines – thus leaving the state with no shoreline guidelines, although local master programs are still in effect;

- September 25, 2001 - Governor and Attorney General convene mediation talks aimed at reaching a legal settlement (the parties all filed appeals to the SHB ruling to preserve their standing in court). The parties to the lawsuit appoint representatives to a steering committee that does the negotiating. Former State Supreme Court Justice Richard Guy, Land Use Legal Expert Dick Settle and Bill Ross serve as mediators;
- November 2002 – The negotiators reach agreement on: 1) new guidelines language to propose for rule-making; 2) a package of legislation to propose in 2003 (e.g. replace the 2-year update schedule for local governments with a phased-in schedule through 2014 – and provide \$2 million in the 2003-05 budget for a first small group of cities and counties to get started); and 3) how to conclude the lawsuit;
- 1:45pm, December 20, 2002 - Governor Locke and litigating parties hold joint press briefing announcing lawsuit settlement (see above for details).
- Throughout – Ecology conducts outreach to interested parties including posting copies of issue papers, drafts of the rule, and notices of public involvement opportunities on Ecology's shorelines guidelines homepage (see further discussion below).

The most current round of shorelines guidelines rule making has involved the following public involvement opportunities:

- January 8, 2003 - Ecology filed with the State Code Reviser a CR101 Preproposal Statement of Inquiry form, resulting in publication in the WA State Register and announcing the proposed shoreline guidelines as a “subject of possible rule making”.
- June 17, 2003 - Ecology filed the CR 102 form with the State Code Reviser, resulting in publication in the WA State Register and starting the formal rule adoption process. Prior to signing the CR102 Ecology's Director reviewed the following materials (ultimately included in the CR102 filing packet): a cover memo, CR102 (setting the four formal public hearing dates), the negotiated draft guidelines rule language, a draft Small Business Economic Impact Statement, a Benefit/Cost and Least Burdensome Alternative Analysis, and a Supplemental Draft Environmental Impact Statement. All of these printed materials, together with focus sheets, frequently asked questions documents, press releases, etc were made available at each of the following workshops, open houses, and hearings.
- July 13, 20, 27 and August 3, 2003 – Ecology contracted with Oregon Newspaper Advertising Company to publish legal notices of the guidelines public hearings and public comment period in all thirty nine counties of the state on these dates.

- July 14, 2003 – Ecology posted the draft rule and related materials on its Washington government laws-rules activity web site. Detailed information regarding the guidelines open houses/public hearings was also posted on Ecology's Public (events) Calendar System at this time.
- July 15, 2003 – Ecology completed a mass mailing to 6025 entries in its master interested parties list, who were all informed of the guidelines rule-making process. A subset of this group made up of approximately 300 planning directors, tribal governments and parties requesting copies, were mailed printed copies of the CR102, the proposed guidelines text, the Supplemental Draft Environmental Impact Statement, the Draft Small Business Economic Impact Statement, the Draft Evaluation of Probable Benefits and Costs and Least Burdensome Analysis, an informational fact sheet and announcements of the workshops and open house/public hearings. This mailing also referred people to the guidelines (homepage) web site, provided an 800 number for requesting printed copies and supplied details regarding the comment period and where to send comments.
- July 16, 2003 – Ecology issued and mailed printed copies of the Supplemental Draft EIS to over 250 Washington State local governments, 5 regional planning agencies, 10 state agencies, 28 tribal governments, 5 federal government agencies (including district offices), and 11 non-governmental organizations which commented on the 2000 modified draft EIS.
- July 16, 2003 – Ecology issues a statewide news release announcing the proposed guidelines are ready for public comment.
- July 16 – September 15, 2003 – Ecology opens formal (60-day) public comment period on the draft guidelines rule.
- All printed materials referenced above together with historic, scientific and technical, and rule making process related information were posted on the internet and updated on a continuous basis. A guidelines homepage has been operational throughout the rule making process, providing downloadable Portable Document Files (pdf) of the proposed guidelines text, Frequently Asked Questions, Fact sheets, copies of the CR102, workshop, open house and public hearing announcements, the Supplemental Draft Environmental Impact Statement, the Draft Small Business Economic Impact Statement, the Draft Evaluation of Probable Benefits and Costs and Least Burdensome Analysis and related materials. This provided a consistent medium for public access to the most current information regarding the rule making process. Evidence of this is reflected in the fact that the guidelines homepage received 5410 visits during the first 10 months of 2003. The shoreline guidelines homepage address is: <http://www.ecy.wa.gov/programs/sea/SMA/guidelines>.
- Shoreline workshops (involving local government planners, tribal governments, and interested parties) were conducted (beginning with a PowerPoint presentation describing the content and changes proposed to the guidelines and the rule adoption process, followed by a question and answer period) as follows:

- July 14, 2003 at Ecology Headquarters Auditorium (Olympia) from 10am-2pm. 52 people attended.
 - July 16, Eastern WA Planners Forum, at Hallmark Inn, Moses Lake WA from 1:30-3:00pm. 46 people attended.
 - July 17, 2003 at Ecology's Eastern Regional Office (Spokane) from 10am-1pm. 11 people attended.
 - July 21, Ecology's Northwest Regional Office, Rooms 1A,B, and C, 10am-2pm. 64 people attended.
 - August 27, Whatcom County Courthouse, Bellingham WA, 7-9pm. 22 people attended.
- Public open houses (starting with a PowerPoint presentation introducing the proposed guidelines and the rule adoption process followed by a question and answer period) followed directly by formal public hearings (where public testimony was taken), were conducted at the following dates and locations:

(All locations)	Open House 5:30pm Public Hearing 7:00pm
Tuesday, August 5:	Seattle Center - Shaw Room 305 Harrison St. Seattle, WA 98109
Wednesday, August 6	Public Utility District of Cowlitz County Auditorium 961 12th Avenue Longview, WA 98632
Tuesday, August 12	WA State University - Phase 1 Classroom 668 North River Point Spokane, WA 99202
Wednesday, August 13	Chelan County Public Utility District No. 1 327 N. Wenatchee Ave. Wenatchee, WA 98801

A total of 37 people (non-Ecology employees) attended the Seattle hearing (18 testified); 22 people attended the Longview hearing (6 testified); 11 people attended the Spokane hearing (5 testified); and 25 people attended the Wenatchee hearing (11 testified). TVW public broadcasting mobilized video crews to cover the Seattle and Longview hearings and included these events in their regular programming.

VI. Rule Implementation Plan

This chapter contains the rule implementation plan, as required by RCW 34.05.328(3). The purpose of the plan is to describe (see below) how the Department of Ecology will:

- Implement and enforce the rule, including a description of the resources the agency intends to use;
- Inform and educate affected persons about the rule;
- Promote and assist voluntary compliance; and
- Evaluate whether the rule achieves the purpose for which it was adopted, including to the maximum extent practicable, the use of interim milestones to assess progress and the use of objectively measurable outcomes.

How will the agency implement and enforce the rule? What resources will the agency use?

The Shoreline Management Act of 1971 was adopted in 1972 by a vote of the people of the state of Washington. The act established a “cooperative program of shoreline management between local government and the state.” This partnership will continue with implementation of the proposed rule. Cities and counties have the primary responsibility to manage the State’s shorelines in accordance with locally adopted Shoreline Master Programs (SMPs). The state, through the Department of Ecology, primarily serves in a supportive and review capacity and must approve locally submitted SMPs before they become effective. See RCW 90.58.050 and 090.

Up to four Full Time Equivalent (FTE) Ecology staff located at headquarters in Olympia provides policy support, develop rule amendments, and provide centralized technical support, grants management and other functions as needed to the department’s regional offices. Over the past decade, headquarters staff has had the primary responsibility of developing the new shorelines guidelines.

Ecology staff in the regional offices plan, coordinate and provide direct technical assistance to local governments as they amend and update their existing SMPs. They also provide assistance on permits and related issues, and review shorelines permits submitted to Ecology by local governments. Presently, Ecology has about four (FTE) staff in regional offices statewide who review shoreline master programs.

Implementation by Ecology, in support of cities and counties, will be carried out by staff in headquarters and in the four main regional offices (Eastern and Central and SW and NW) of the department. Staff in the Bellingham Field Office will also assist in implementing the new rule. Implementation will occur over the next 11 year period consistent with the new SMP update schedule contained in SSB 6012 which was passed by the 2003 legislature.

Although \$2 million of pass-through funding was appropriated by the 2003 legislature for local SMP updates consistent with the new guidelines, no new funding was provided for Ecology staff. As a result, the department will implement and enforce the new rule, at least for the time being, with existing headquarters and regional staff. These existing staff will perform the following duties:

- Provide early assistance and comment to local governments as they prepare their SMP updates;
- Review and process locally submitted SMPs once they are submitted to Ecology for approval;
- Provide guidelines compliance training sessions and workshops to local government planners, consultants and interested persons;
- Prepare guidance documents and technical assistance materials through written and internet based media; and
- Support local governments in implementing the compliance and enforcement provisions as local SMPs are applied to new shoreline development.

As set forth in the SMA, enforcement is primarily the responsibility of the cities and counties subject to the Act. The department provides related permit review and support to local government in carrying out enforcement actions. Such activities are organized by a designated compliance and enforcement coordinator in the SEA program. On occasion, Ecology does have to enforce or appeal actions when it is determined that a city or county is not acting consistent with SMA policy or local Shoreline Master Program standards.

To help ensure consistency in our enforcement and compliance efforts, an enforcement and compliance workgroup (SMAG) has been created. This workgroup is made up of all staff with a functional role in implementing the SMA (including planning and regulatory, technical, enforcement and administrative support staff) and meets regularly to discuss statewide implementation and enforcement issues, review court decisions and set priorities. The workgroup serves as a forum for considering traditional enforcement tools such as penalties and orders, but it also explores other compliance tools such as notices of correction, permit appeals, permit decision-making and needed education and outreach. The workgroup has proven useful in coordinating Ecology's actions in enforcing the SMA, and will continue to be used as the new guidelines are implemented.

How will the agency inform and educate the regulated community and other involved parties?

Public debate amongst interested parties, litigants, the regulated community and legislator's preceding and during the rule making process has focused interested party attention on the subject. Ecology's immediate task after rule adoption will be to distribute copies of the Concise Explanatory Statement and the adopted rule, and post copies on Ecology's web site. We also will make presentations at professional planning

seminars, tribal conferences, stakeholder meetings, and other gatherings as appropriate.

A near term task following adoption will be to further develop case studies and technical guidance to local government planners, relying heavily on web based outreach. In the recent past this approach has proven useful to local planning officials as they go through the SMP update process. This guidance will reference appropriate sources of science, data and supporting information together with examples of implementation methodologies and alternatives that can be used to satisfy new guidelines requirements. This information should be particularly helpful in satisfying requirements for inventory and analysis of shoreline ecological functions and existing development patterns and in identifying shoreline restoration opportunities.

The department will also be preparing a “shoreline master program checklist” that local governments can use to evaluate their current SMP and identify changes that need to be made to comply with the new guidelines. The checklist will also be used by Ecology SMP reviewers as they evaluate future SMP amendment proposals submitted by local government.

The SEA Program will also prepare various guidance materials on specific topics related to the update of SMPs. SEA will continue to avail itself of opportunities to publish notices, articles, and news briefs in various publications which target the various stakeholders. We will work with the media as appropriate, to respond to inquiries and bring information of interest to the general public. We will also continue to make regional staff available to work directly with citizen advisory groups as local SMPs updates are developed.

Ecology staff will also require on-going shorelines guidelines education and training. There may also be cross-program training opportunities, particularly between the Water Quality Program and amongst our watershed leads across the state.

How will the agency promote and assist the regulated community with voluntary compliance?

For purposes of this rule, the primary regulated community is city and county government. The SMA directs cities and counties to prepare updates to their SMPs consistent with the new rule, which in turn regulate public and private shoreline development. As discussed above, we will be providing direct policy and technical assistance to local governments as they undertake such mandatory amendments. The mandatory compliance deadlines set in statute however, are phased in over the next 11 years. There are many jurisdictions who will likely volunteer to comply in advance of the deadlines. Ecology will promote this by encouraging local governments to apply for available state general fund monies on a biennial basis.

Voluntary compliance will be promoted in agency guidance documents, direct staff-to-staff contact, and ultimately in the review and approval of local SMPs. We will also continue to work with the primary stakeholder associations (Association of Washington Cities, Washington State Association of Counties) to promote voluntary compliance.

How will the department evaluate whether the rule achieves the purpose for which it was adopted? What objective measures or milestones can be used to assess progress and outcomes?

Implementation of the rule will be phased in over time. The new schedule for updating local SMPs (implementing the new guidelines) establishes deadlines between 2005 and 2014. Every seven years thereafter, local governments must “review” their SMPs for consistency with the guidelines. As a result, it will take some time before enough information and data can be collected to properly evaluate whether the rule is achieving the purpose for which it was adopted.

However, 12 local governments, consisting of four “early adopters” (identified in SSB 6012) and eight “volunteers” across the state will undertake comprehensive updates (consistent with the new guidelines) of their SMPs over the next two years. These local governments and Ecology will learn much as the SMPs are taken through the development and approval process. The department will be working closely with these jurisdictions to evaluate the methodologies used by each, paying particular attention to the approaches used to conduct required shoreline inventory and analyses and development of shoreline restoration strategies. This effort will identify lessons learned, consider whether the various approaches used by early adopters can be replicated by other similar jurisdictions and look for opportunities to be more cost effective.

In evaluating whether the purposes of the rule have been achieved, the following measures or milestones should be considered:

- Has full funding for local SMP updates been secured in future biennia;
- Is the number of SMPs adopted in compliance with SSB 6012 deadlines;
- Has web site development been completed and maintained;
- Have local government training sessions been conducted;
- Has there been sufficient outreach to citizens, legislators, tribes, and other stakeholder groups.

VII. Appendices

Appendices to this document include:

Appendix A – alphabetical listing of names of persons who commented

Appendix B – numerical listing by commenter

Appendix C – numerical listing by comment number

Appendix D – a list of parties who have conditionally settled litigation by endorsing the proposal and adoption of new statewide shorelines guidelines.

Appendix A

Alphabetical Listing Of Names Of Persons Who Commented

Commenter #	Comment Code	Last Name	First Name	Mailing Address 1	City
0052	2	A	Dawn	2751 Prosperity Avenue	Fairfax
0203	54	Aagaard	Ann	4710 University Way NE # 214	Seattle
0286	1	Adams	Raymond		
	nc	Aldrich	Nancy	P.O. Box 190	Richland
0111	2	Alexander	Richard W	3635 Fremont Avenue N, #201	Seattle
0250	5	Andreasen	Kirk		
0256	69	Angell	Larry	411 Washington Street	Wenatchee
0016	2	Apgood	Charlotte	220 Strawberry Field Drive	Sequim
0172	32	Arlt	Gene	4050 Flatcreek Road	Northport
0024	2	ARUM	JOHN	20511 105TH AVENUE SW	VASHON
	nc	Ault	Walter H.	2514 Judge Ronald Road	Ellensburg
0127	14	Bacon	Ronald L.	290 East Tessie Ave	Republic
0057	2	Bailey	David	114 Craig Road	Sequim
0092	5	Baker	Tammy and Dan	575 Newaukum Valley Rd	Chehalis
0058	2	Ball	Eldon	3022 NE 140th St., #121	Seattle
0214	2	Banks	Barbara	3626 SW Othello Street	Seattle
0014	2	Barmettler	Bill	POB 1462	Chehalis
0164	2	Barnes	Janet	731 South Point Rd.	Port Ludlow
0236	62	Beasley	Dale	P O Box 461	Ilwaco
0244	6	Bennett	Donald	3230 Point White Drive NE	Bainbridge Island
0049	2	Berger	Adam	6525 23rd Avenue NE	Seattle
0168	30	Berglund	Bruce	15643 Maple Wild Ave SW	Burien
0064	2	Berkman	Miriam	627 West Euclid Ave	Spokane
0068	2	Bertrand	Mary	1184 NW Barker Creek Rd	Bremerton
	nc	Blair	Lori A.	422767 SR 20	Usk
0029	2	Boelling	Mack	1067 W Street	Port Townsend
0070	2	Bolender	Mamie	16730 32nd Place NE	Lake Forest Park
0012	2	BOLIN	AMY	708 E. HOLLY ST	BELLINGHAM
0082	2	Bourgea	Renee A	9916 NE 39th Ave.	Vancouver
	nc	Boyd	Charly	P.O. Box 790	Stevenson
0152	18	Brady	George	Box 535	Pateros
0101	2	Bramall	Ruth	11420 22nd Place NE	Lake Stevens
0257	70	Breeds	Chris D.	P O Box 520	North Bend
0061	2	Bremer	John	542 West Lake Samish Drive	Bellingham
0051	2	Brenna	Elena	110 Harbor View Pl	Port Ludlow
0254	66	Broback	John K.		
0221	59	Broback	Steve	16541 Redmond Way #283-C	Redmond
0247	66	Broback	Steve	13917 - 186th Avenue NE	Woodinville
0037	2	Bruce	Tipton	6308 100th St NE	Marysville
0048	2	Bubelis	Wally	5432 45th Ave SW	Seattle
0090	5	Burgess	Gary D	617 W 26th Ave	Spokane
0002	2	Burkholder	Bob	4051 Bluff Lane	Bainbridge Island
0226	62	Cairns	Bill	3440 Point White Drive NE	Bainbridge Island
0004	2	Call	Jim	2804 Holm Rd E	Fife
0015	2	Carroll	Carla	3438 161st PL SE	Bellevue
0287	2	Carter	Nina	P.O. Box 462	Olympia

Appendix A

Alphabetical Listing Of Names Of Persons Who Commented

0112	2	Chapman	James L	23321 75th Ave. W.	Edmonds
0156 A	2	Chattin	Bruce	22223 7th Avenue S	Des Moines
0046	2	CHIAT	SUSAN	31ST AVE. S.	SEATTLE
0069	2	Chickman	Sue	212 Jamestown Beach Lane	Sequim
	nc	Christine	Scott	6690 Stines Hill	Cashmere
0007	2	Christopherson	Kenneth	809 Tule Lk Rd S	Tacoma
0267	80	Coachman	Luanne	201 South Jackson Street Suite 600	Seattle
0074	2	Coen	Ira	468 Gehrke Road	Port Angeles
0105	2	Cole	Roger		Vancouver
0218	5	Colley	Cathy		
0056	2	Collier	Pat	PO Box 574	Vashon Island
0060	2	Compton	Jeff	3967 Phinney Avenue N	Seattle
0154	20	Congdon	Gordon	P.O. Box 4461	Wenatchee
0281	88	Conlen	Isaac		
0290	88	Conlen	Isaac	3715 Bridgeport Way West	University Place
0173	2	Conti	Charles & Georgia	5106 SW Waite Street	Seattle
	nc	Corning	John	894 Highway 2	Leavenworth
	nc	Corning	Joshua	894 Highway 2	Leavenworth
	nc	Courtney	Dawn	P.O. Box 382	Castle Rock
0116	2	Crampton	Susan	PO Box 162	Twisp
0141	2	Crecelius	Marcia	26438 Hightland Rd NE	Kingston
0120	13	Crews	Andrew	1216 S H Street	Port Angeles
0121	13	Crews	Lisa G	1216 S H Street	Port Angeles
0252	67	Crossen	Karen	5961 Rose NE	Bainbridge Island
0017	2	Cuizon	Daphne	6817-21st Ave NE	Seattle
0003	2	Culver	Burt	1526 14th Ave S	Seattle
0034	2	Dalton	Robert	7751 17th Ave NE	Seattle
0273	5	Dashiell	Don	3565 Harvey Creek Road	Hunters
	nc	Davey	Lonnie	15418 231st Avenue SE	Issaquah
0305	97	Davies	Bruce	6730 Martin Way E.	Olympia
0088	5	Davis	Karen	22840 24th Ave W	Brier
0303	nc	Demitriades	LtCol Paul B.	2254 Evergreen Point Rd	Medina
0020	2	DeNiro	Elizabeth	16226 North Sands Road	Mead
	nc	Dietz	Clyde	191 Constantine Way	Aberdeen
0132	2	DiLabio	Gena	PO Box 1554	Coupeville
0008	5	Dixon	Katherine	13211 NE 38th Circle	Vancouver
0181	5	Dryland	Richard	27511 NE 29th Avenue	Ridgefield
0039	5	Eberhardt	James	2516 17th St	Anacortes
0027	2	Eiger	Leonard	PO Box 2525	North Bend
0109	2	Elliott	Len	2006 Riverview Drive NE	Auburn
	nc	Engvall	Mr. & Mrs. Brady	3714 Oyster Place E	Aberdeen
0219	57	Estes	Ken	P O Box 656	Ocean Shores
0146	2	Fabian	John	100 Shine Rd	Port Ludlow,
	nc	Farr	Ann K.	5124 - 1st Avenue NW	Seattle
	nc	Fawell	Stacy	433 15th Street	Bellingham
0123	2	Ferguson	Tim	2257 S Southeast Blvd #3	Spokane
0228	3	Ferrin	Allan	6015 Crystal Springs Road	Bainbridge Island
0230	75	Fiander	Mary Lou	7616 Madrona Drive NE	Bainbridge Island

Appendix A

Alphabetical Listing Of Names Of Persons Who Commented

0206	57	Forsberg	Richard	10505 - 90th Avenue E	Puyallup
	nc	France	Clell & Barbara	P.O. Box 925	Wenatchee
	nc	Friedberg-Nerf	Judy	1600 Madrona Pt. Drive	Bremerton
	nc	Frost	Wayne	3320 N. Argonne	Spokane
	nc	Gates	Andrea	18215 72nd Avenue South	Kent
0019	2	Geer	Dolores E	3929 East Campbell Road	Clinton
0028	5	Geller	Leslie	15102 SE 43rd St.	Bellevue
	nc	Gellings	Joseph	117 S. Main Street	Seattle
0161	2	Gerstenberger	Cheri	31879 S. Bridge Way N.E.	Poulsbo
0042	2	Gheen	Nathan	1035 NE 61 St	Seattle
0113	2	Ginsburg	Joe	12210 Densmore Ave. N.	Seattle
0106	2	Glasser	Roz		
	nc	Glowacki	Maggie	700 Fifth Avenue, Suite 2000	Seattle
0277	85	Godard	Don	P.O. Box 878	Ephrata
0298	85	Godard	Don	P.O. Box 878	Ephrata
0040	2	Golde	Marcy	4407 52 NE	Seattle
0156 B	5	Golladay	Max		Ellensburg
0204	55	Gorsline	Jerry	615 Second Avenue Suite 380	Seattle
	nc	Goss	Scott	9226 1st Avenue NW	Seattle
0100	2	GOULD	RAY	19225-92ND AVE W	EDMONDS
	nc	Grafious	Mary		
0162	26	Gresky	Robert	10202 39th Ave SW	Seattle
0095	7	Grigg	Judy	P.O. Box 1258	Longview
0177	34	Grigg	Judy	P.O. Box 1258	Longview
0189	44	Grunbaum	Arthur	1128 State Route 105	Aberdeen
0212	55	Grunbaum	Arthur	1128 State Route 105	Aberdeen
	nc	Guinnes	David R.	P.O. Box 1222	Wenatchee
0283	90	Gurol	Kamuron G.	614 Division Street MS-36	Port Orchard
0291	90	Gurol	Kamuron G.	614 Division Street MS-36	Port Orchard
0030	2	Haggard	Margot	2412 42nd Ave E #413	Seattle
0268	75	Hagstromer	Claes	11295 Wing Point Drive NE	Bainbridge Island
0178	35	Hamilton	Pat	P.O. Box 187	South Bend
	nc	Hampton	Waikele	P.O. Box 1231	Wenatchee
0062	2	Harrison	Mark	2 143rd Ave SE	Bellevue
0265	78	Hart	Hal H.	5280 Northwest Drive	Bellingham
0071	2	Hart	Laura	6053 26th Ave NE	Seattle
0209	58	Hart	Paul	2107 South Adams Street	Tacoma
0073	2	Hausman	Leah	9301 Avondale Rd NE, Apt B2009	Redmond
0271	5	Hausmann	Paul	9453 Olympus Beach Road NE	Bainbridge Island
0222	60	Hayes	Jennifer	2000 Lakeridge Drive SW	Olympia
	nc	Hedeen	Lenore	7821 NE 112th Street	Kirkland
	nc	Hedglin	Lloyd	3312 Coal Case Road	Longview
0041	2	Heiman	Marilyn	1823 Warren Ave. N.	Seattle
0235	6	Hempelmann	John	524 Second Avenue Suite 500	Seattle
0196	5	Henderson	Vivian	P.O. Box 2133	Port Orchard
0078	2	Herbst	Rodger	17003 148th Ave NE	Woodinville
0147	2	Hoban	Marilyn	25853 Canyon Road NW	Poulsbo
0213	56	Holman	Mark		
0241	65	Holmgren	Richard	12281 Arrow Point Loop	Bainbridge Island

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Alphabetical Listing Of Names Of Persons Who Commented

0018	2	Hoskins	Dick	1619 Dickinson Ave	Olympia
0011	2	Houmes	Vince	1711 143rd Pl SE #C7	Bellevue
0114	10	Howe	Gail A	PO Box 8	Pateros
0097	8	Hudson	Laura	P O Box 1995	Vancouver
0264	77	Hudson	Laura	P O Box 1995	Vancouver
0238	5	Hughes	James & Marilee	P O Box 11518	Bainbridge Island
0246	5	Hughes	Rex		Bainbridge Island
0067	2	Johnsen	Lauri	PO Box 1453	Maple Valley
0263	76	Johnson	Eric		
0139	2	Johnson	George	63 Keefe Lane	Port Ludlow
0131	17	Johnson	William & Kathleen	3607 Evergreen Point Rd	Medina
	nc	Johnston	Deena	133 Timberline	Castle Rock
0156	22	Jones	Chuck	140 NE 19th Street	East Wenatchee
0079	3	Jones	W L	1208 NE Parker Rd	Coupeville
0311	100	Kalbfleisch	Wayne	8904 E. Woodland Park Drive	Spokane
0276	84	Kattermann	Michael D.	Lloyd Building, Suite 610	Seattle
0295	84	Kattermann	Michael D.	Lloyd Building, Suite 610	Seattle
	nc	Katz	Christine	411 Washington Street	Wenatchee
	nc	Kaysen	Mike	615 Monahan Road	Castle Rock
0094	6	KEESLING	MAXINE	15241 NE 153RD	Woodinville
0099	9	Keesling	Maxine	15241 NE 153rd	Woodinville
0151	23	Keesling	Maxine	15241 NE 153RD	Woodinville
0193	46	Keesling	Maxine		
0296	2	Kelleher	Connie M.	150 Nickerson Street, Suite 311	Seattle
0093	2	KELLEY	BECKY	14037 26TH AVENUE NE	SEATTLE
0188	2	Kelley	Becky		
0180	37	Kennon	Richard		
0083	2	Kennon	Richard	37814 NE 234th Ave	Yacolt
	nc	Kimball	Allison	411 N. Ruby, Suite 2	Ellensburg
0005	2	King	Jon	P.O. Box 1724	Sequim
0182	38	Kink	Richard	19553 - 27th Avenue NW	Shoreline
0055	2	Kirn	Vanessa	712 4th Street NE	Puyallup
0089	4	Kirschner	Rainer	14059 88th PL NE	Bothell
0031	2	Koester	Martha	10015 Second Ave South	Seattle
0026	2	Koetke	Laura	16639 NE 48 St	Redmond
0190	2	Kogut	Megan	41225 May Creek Road	Goldbar
0183	39	Kolbo	Jim	4017 Mayne Lane	Ferndale
0143	2	Kolff	Helen	510 35th Street	Port Townsend
0135	2	Kolff	Kees	510 35th St.	Port Townsend
0171	2	Koonts	Dean W.	110 - 13th Avenue E #9	Seattle
0150	2	Kuehn	David	101 Margaret St	Port Ludlow
0307	16	Kunka	Tim	P.O. Box 96	Ellensburg
	nc	Kurbitz	Jim	504 E. 14 Avenue, Suite 200	Olympia
0202	53	Lam	Raymond	P O Box 500	Wallula
0217	35	Lam	Raymond	P O Box 500	Wallula
0110	2	Lambert	Joe	10458 Seabeck Hwy NW	Seabeck
	nc	Leber	John	240 Tennant Way	Longview
0300	95	Lebow	Sharon B. and Robert J.	W. Lake Sammamish Pkwy SE	Bellevue

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Alphabetical Listing Of Names Of Persons Who Commented

0133	2	Lee	Paul	28187 Gamble Bay Road, N.E.	Kingston
0137	2	Levine	Ken	7231 Ledroit Ct SW	Seattle
0176	5	Lichtenwald	Daniel	P.O. Box 1200	Goldendale
0169	2	Lindstrom	Hal & Gloria	1831 Hanson Road	Ellensburg
0279	86	Lofton	Andrew	600 Fourth Avenue, 12th Floor	Seattle
0292	86	Lofton	Andrew	600 Fourth Avenue, 7th Floor	Seattle
0036	2	Lovelace	Steven	PO Box 245	Wilkeson
0032	2	Maloney	Maureen	5839 Rich Road SE	Olympia
0126	2	Manser	Gordon & Adeline	PO Box 238	Liberty Lake
0306	98	Maples	Doug	129 Norht Second Street, 2nd Floor	Yakima
	nc	Marat	Katherine	1550 Alder Street NW	Ephrata
0010	2	Marett	Susan	92 N. Rhododendron Dr	Port Townsend
0159	2	Marett	Susan	92 N. Rhododendron Dr.	Port Townsend
0009	2	Marshall	L	3615 Bennett Drive, #F324	Bellingham
	nc	Mason	Michael	128 N 2nd Street	Yakima
0122	2	Matchett	William H	PO Box 87	Seabeck
0165	2	Mathurin	Edward	154 Maxview Drive	Port Ludlow
	nc	Matson	Linda	1500 Lake Park Drive SW #21	Olympia
	nc	Mayhew	Miles		
0245	75	McCann	Michael	101097 NE South Beach Drive	Bainbridge Island
	nc	McCracken	Annie	8339 NE Juanita Drive	Kirkland
	nc	McCracken	Ben A.	8339 NE Juanita Drive	Kirkland
	nc	McDonald	Jana	5111 E Broadway	Spokane
0211	5	McGrath	David A	P O Box 506	Medina
0075	2	McGrath	Jill	6743 Palatine Ave N	Seattle
0118	2	McGrath	Jill	6743 Palatine Ave N	Seattle
0145	2	McGuire	Todd	504 "V" St	Port Townsend
0225	5	McIntyre	James D.		
0261	74	McNair	Francea L.		
0251	75	McNulty	John		
	nc	McOrton	Joan	P.O. Box 1304	Seahurst
	nc	Meile	Bernard H.	P.O. Box 467	Oakville
0091	2	Melton	Heather	9915 NE 67 Street	Vancouver
0136	2	Melton	Heather	1418 NE 99 Avenue	Vancouver
0260	73	Menzies	Geoff	988 West Laurel Road	Ferndale
0124	13	Miller	Ian	533 W 10th	Port Angeles
0191	2	Miller	Ian		
	nc	Millspaw	Robert	P.O. Box 128	Longview
	nc	Mitchell	Mark	900 Oakesdale Avenue SW	Renton
0080	5	Moise	Judy	3714 Burke Ave N	Seattle
0208	5	Morgan	Cheryl	102 Hayward Road	Pullman
0207	3	Morgan	Thomas E	3242 - 78th Place NE	Medina
0224	61	Morgan	Thomas E		
0249	17	Mosey	Teresa		
0160	2	Muller	Catherine	PO Box 1122	Sequim
0155	21	Mulliken	Joyce	27 Apple Lane	Ephrata
0179	36	Mulliken	Joyce		
0195	48	Mulliken	Joyce		
0198	50	Mulliken	Joyce		

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Alphabetical Listing Of Names Of Persons Who Commented

0309	99	Mulliken	Joyce		
0248	31	Myers	Julie		
0138	2	Nelson	Ronald	45 Helm Ln	Port Ludlow
	nc	Nerf	R.B.	1600 Madrona Pt. Drive	Bremerton
0076	2	Newman	Nancy	P.O. Box 3097	Port Angeles
	nc	Noerenbieso	Chan	1015 Hazel Dell Road	Castle Rock
	nc	Nofziger	Elmer	322 King Road	Silver Lake
0148	2	Nolan	Donna	101 margaret St	Port Ludlow
0086	2	Oberbillig	Molly	1907 Parkwood Dr SE	Olympia
0275	83	O'Hara	Charles		
0289	83	O'Hara	Charles	P.O. Box 817	La Connor
0197	49	Oleksiak	Jan	P.O. Box 2045	Bremerton
0194	47	O'Neil	Willy	410 11th Avenue SE	Olympia
0288	92	O'Neil	Willy		
	nc	Orgel	Linda	1128 State Route 105	Aberdeen
0043	2	Osebold	Paul	North 15215 Cincinnati Drive	Spokane
0059	2	Paige	Jane	245 Lake Hills Blvd.	Bellevue
0294	93	Paine	Michael N.	P.O. Box 90012	Bellevue
	nc	Paleberg	Brian	1128 Broadway	Longview
0185	41	Palmer	William M.	P.O. Box 6	Port Orchard
	nc	Parlette	Linda		Wenatchee
0304	96	Parsons	Chris	128 - 10th Avenue SE	Olympia
0270	81	Patterson	Dean		
0301	81	Patterson	Dean	128 North Second Street, Rm 417	Yakima
0134	2	Payson	Herbert	1231 Blaine	Port Townsend
	nc	Peach	Brad	124 Monticello Drive	Longview
	nc	Peach	Susan J.	124 Monticello Drive	Longview
0050	2	Peake	Heather	5921 32nd Avenue, SW	Seattle
0045	2	Pender	Stephanie	6522 16th Ave SW	Seattle
	nc	Phillips	Bud	2724 - 42nd Avenue	Longview
0125	2	Pierson	Michael	101 Fourth Ave Ste 4500	Seattle
0142	2	Piscitello	Elena	2023 E Sims Way #117	Port Townsend
0163	27	Plunkett	Mark	1483 Alaskan Way	Seattle
0166	28	Pratt	Cynthia R.	600 Capitol Way North	Olympia
0215	28	Pratt	Cynthia R.	600 Capitol Way North	Olympia
0149	2	Rafferty	William	1774 Russell St.	Poulsbo
0077	2	Raisler	Richard	14954 Channel Lane	LaConner
0035	2	RAMEY	RONALD	4630 MERMONT PLACE	EVERETT
0144	2	Ramsey	Susan	15245 NE 3rd Place	Bellevue
0129	15	Rand	Larry	1204 NE 105th Place	Seattle
0174	33	Redman	Harold		
0187	43	Reis	Mary	20106 SE 20th Place	Sammammish
0047	2	Rich	Tim	2821 2nd Ave. #2104	Seattle
0284	75	Richer	Michael A.		
0102	2	Rimbos	Peter and Naomi	19711 241st Ave SE	Maple Valley
0021	2	Roberts	James	215 S. Ellis St.	Palouse
0205	56	Roberts	Paul	2930 Wetmore Avenue Suite 8-A	Everett
0223	56	Roberts	Paul	2930 Wetmore Avenue Suite 8-A	Everett
0085	5	Romero-Kirschner	Linda		

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Alphabetical Listing Of Names Of Persons Who Commented

0280	87	Roos	Stephen H.	500 Galland Building	Seattle
0302	87	Roos	Stephen H.	500 Galland Building	Seattle
	nc	Rose	Scott	27313 NE Bennett Rd	Battle Ground
0272	2	Rose	Scott	27313 NE Bennett Rd	Battle Ground
0229	18	Rosling	John C.		
	nc	Rossotto	Michael	4053 NE 92nd	Seattle
0033	2	Roth	Peter	7415 - 5th Ave NE #208	Seattle
0186	42	Ruby	Mike	4128 Burke N	Seattle
0184	40	Sacha	Leslie	929 N. 76th Street	Seattle
0053	5	Saling	Rick	5425 57th Ave S	Seattle
0038	2	Salters	Carrie	806 NW 49th St	Seattle
0170	31	Sandaas	Richard K.	12453 Holmes Point Drive	Kirkland
0117	2	Sanford	Linda		Anacortes
0220	58	Schaftlein	Shari M.		
0158	2	Schanz	Robert W	417 North Pearl St	Centralia
0198	50	Schindler	Lynn	6315 N. Campbell	Otis Orchard
0310	5	Schindler	Lynn		
0285	91	Schulze	Dale		
	nc	Sears	Cliff	P.O. Box 908	Ephrata
0140	2	Senner	Sharon	13813 Center Road	Quilcene
0199	30	Setting	Joseph P	728 Twisp River Road	Twisp
0200	51	Setting	Vivian L	728 Twisp River Road	Twisp
0023	2	Sheldon	Jill	3107 East Yesler	Seattle
0072	2	Silver	Jill	888 - 53rd Street	Port Townsend
0266	79	Simmons	Scott L.	127 N Wynne Street	Colville
	nc	Skinner	Ann	411 Washington Street	Wenatchee
0175		Skipped Number			
0239		skipped number			
0240		skipped number			
0259	72	Slavik	Jodi C.	P O Box 1909	Olympia
0299	94	Smith	Kendra	200 West Washington Street	Mt. Vernon
0044	2	Smith	Richard	4800 Fremont Ave. N. #202	Seattle
0127	14	Snook	Dennis A.	290 East Tessie Ave	Republic
0237	64	Soames	Steve & Sharon		
0278	2	Soest	Jon	18200 River Road	Leavenworth
0054	2	Sonntag	Ron	14930 141st Avenue SE	Snohomish
0013	2	Souers	Amy	2100 Wolfe Place West	Seattle
	nc	St. Luise	Mick & Pat	1924 Lion Place	Wenatchee
0084	2	Stagman	Robert	7401 92nd Place SE	Mercer Island
0255	68	Steffensen	Wendy	1155 N State Street #623	Bellingham
0227	75	Stern	Ann & Roger	10778 NE Seaborn Road	Bainbridge Island
0096	2	Stout	Larry D	PO BOX 719	OLYMPIA
0242	75	Stowell	Robert & Michelle		
0128	2	Such	Renee	6015 158 Place NE	Redmond
0167	29	Sundquist	Liann	7211 - 36th Avenue SW	Seattle
0001	24	Sutherland	Doug	PO BOX 4700	OLYMPIA

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Alphabetical Listing Of Names Of Persons Who Commented

0108	2	Swanson	Arland		
0243	3	Sweeney	John	10316 - 8th Avenue NE	Seattle
0216	35	Sweeney	John		
0098	2	Swoope	Karen	1751 State Route 272	Colfax
0234	5	Syvertsem	Georg	10048 NE High School Road	Bainbridge Island
0115	11	Taylor	David D	411 N Ruby Ste 2	Ellensburg
0130	16	Taylor	David D	411 N Ruby Ste 2	Ellensburg
0153	19	Taylor	David D		
0157	25	Thurston-Johnson	Lynn		
0210	54	Toepel	Peggy	P O Box 13288	Everett
0262	75	Tripp	Gary	321 High School Road #386	Bainbridge Island
0192	45	Trohimovich	Tim	1617 Boylston Avenue	Seattle
	nc	Truscott	Keith	P.O. Box 1231	Wenatchee
0066	2	Urquhart	Cecile and Alex	959 Washington Ave.	Bremerton
0081	2	Vander Pol	Laura	9751 Densmore Ave N	Seattle
0025	2	Vinson	John	1338 Wingwood Place	Shelton
0103	2	Waltman	Ruth		
	nc	Wavra	Cliff	411 Washington Street	Wenatchee
0063	2	Weatherby	Mike	3520 South 356th St	Auburn
0022	2	Weedman	Janet	703 W. Shoshone PL	Spokane
0065	2	Weeks	Allison	3310 32nd St.	Bellingham
0087	2	Weidman	Lynne & John	4620 Oakhurst Lane SW	Port Orchard
0258	71	Weinberg	Perry	401 South Jackson Street	Seattle
0233	35	Whalen	Michael		
	nc	White	Sandy	1311 SE Grace Avenue, Suite 203	Battle Ground
0201	52	Williams	David B	1076 Franklin Street SE	Olympia
0104	2	Williams	David F	316 11 th Ave E	Seattle
0232	3	Williams	Jean		
0282	89	Willis	Robert E.	P.O. Box 2946	Portland
0293	89	Willis	Robert E.	P.O. Box 2946	Portland
0231	2	Wilson	David		
0308	8	Wimpy	Thomas	3822 E 2nd Avenue	Spokane
0253	2	Wingard	Joel		
0107	2	Winters	Jennifer	3811 SW Barton St	Seattle
	nc	Wolf	Keith	11232 320th Avenue NE	Carnation
	nc	Wolf	Margo	P.O. Box 719	Newman Lake
0274	82	Wood	Dan	1011 10th Avenue SE	Olympia
0297	82	Wood	Dan		
0119	12	Woodward	Jewell T	1415 2nd Ave Unite 2402	Seattle
0269	5	Wuerth	Dennis	P O Box 308	Malo
0006	2	YOUNT	JO	717 25th St	Port Townsend
0312	1	Yusé	Frank	7037 N. "G"	Spokane
	nc	Zapletal	Jiri	9037 NE 143rd	Bothell

Appendix B

Numerical Listing by Commenter

Commenter #	Comment Code	Last Name	First Name	Mailing Address 1	City
0001	24	Sutherland	Doug	PO BOX 4700	OLYMPIA
0002	2	Burkholder	Bob	4051 Bluff Lane	Bainbridge Island
0003	2	Culver	Burt	1526 14th Ave S	Seattle
0004	2	Call	Jim	2804 Holm Rd E	Fife
0005	2	King	Jon	P.O. Box 1724	Sequim
0006	2	YOUNT	JO	717 25th St	Port Townsend
0007	2	Christopherson	Kenneth	809 Tule Lk Rd S	Tacoma
0008	5	Dixon	Katherine	13211 NE 38th Circle	Vancouver
0009	2	Marshall	L	3615 Bennett Drive, #F324	Bellingham
0010	2	Marett	Susan	92 N. Rhododendron Dr	Port Townsend
0011	2	Houmes	Vince	1711 143rd Pl SE #C7	Bellevue
0012	2	BOLIN	AMY	708 E. HOLLY ST	BELLINGHAM
0013	2	Souers	Amy	2100 Wolfe Place West	Seattle
0014	2	Barmettler	Bill	POB 1462	Chehalis
0015	2	Carroll	Carla	3438 161st PL SE	Bellevue
0016	2	Apgood	Charlotte	220 Strawberry Field Drive	Sequim
0017	2	Cuizon	Daphne	6817-21st Ave NE	Seattle
0018	2	Hoskins	Dick	1619 Dickinson Ave	Olympia
0019	2	Geer	Dolores E	3929 East Campbell Road	Clinton
0020	2	DeNiro	Elizabeth	16226 North Sands Road	Mead
0021	2	Roberts	James	215 S. Ellis St.	Palouse
0022	2	Weedman	Janet	703 W. Shoshone PL	Spokane
0023	2	Sheldon	Jill	3107 East Yesler	Seattle
0024	2	ARUM	JOHN	20511 105TH AVENUE SW	VASHON
0025	2	Vinson	John	1338 Wingwood Place	Shelton
0026	2	Koetke	Laura	16639 NE 48 St	Redmond
0027	2	Eiger	Leonard	PO Box 2525	North Bend
0028	5	Geller	Leslie	15102 SE 43rd St.	Bellevue
0029	2	Boelling	Mack	1067 W Street	Port Townsend
0030	2	Haggard	Margot	2412 42nd Ave E #413	Seattle
0031	2	Koester	Martha	10015 Second Ave South	Seattle
0032	2	Maloney	Maureen	5839 Rich Road SE	Olympia
0033	2	Roth	Peter	7415 - 5th Ave NE #208	Seattle
0034	2	Dalton	Robert	7751 17th Ave NE	Seattle
0035	2	RAMEY	RONALD	4630 MERMONT PLACE	EVERETT
0036	2	Lovelace	Steven	PO Box 245	Wilkeson
0037	2	Bruce	Tipton	6308 100th St NE	Marysville
0038	2	Salters	Carrie	806 NW 49th St	Seattle
0039	5	Eberhardt	James	2516 17th St	Anacortes
0040	2	Golde	Marcy	4407 52 NE	Seattle
0041	2	Heiman	Marilyn	1823 Warren Ave. N.	Seattle
0042	2	Gheen	Nathan	1035 NE 61 St	Seattle
0043	2	Osebold	Paul	North 15215 Cincinnati Drive	Spokane
0044	2	Smith	Richard	4800 Fremont Ave. N. #202	Seattle
0045	2	Pender	Stephanie	6522 16th Ave SW	Seattle
0046	2	CHIAT	SUSAN	31ST AVE. S.	SEATTLE
0047	2	Rich	Tim	2821 2nd Ave. #2104	Seattle
0048	2	Bubelis	Wally	5432 45th Ave SW	Seattle

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Commenter #	Comment Code	Last Name	First Name	Mailing Address 1	City
0049	2	Berger	Adam	6525 23rd Avenue NE	Seattle
0050	2	Peake	Heather	5921 32nd Avenue, SW	Seattle
0051	2	Brenna	Elena	110 Harbor View Pl	Port Ludlow
0052	2	A	Dawn	2751 Prosperity Avenue	Fairfax
0053	5	Saling	Rick	5425 57th Ave S	Seattle
0054	2	Sonntag	Ron	14930 141st Avenue SE	Snohomish
0055	2	Kirn	Vanessa	712 4th Street NE	Puyallup
0056	2	Collier	Pat	PO Box 574	Vashon Island
0057	2	Bailey	David	114 Craig Road	Sequim
0058	2	Ball	Eldon	3022 NE 140th St., #121	Seattle
0059	2	Paige	Jane	245 Lake Hills Blvd.	Bellevue
0060	2	Compton	Jeff	3967 Phinney Avenue N	Seattle
0061	2	Bremer	John	542 West Lake Samish Drive	Bellingham
0062	2	Harrison	Mark	2 143rd Ave SE	Bellevue
0063	2	Weatherby	Mike	3520 South 356th St	Auburn
0064	2	Berkman	Miriam	627 West Euclid Ave	Spokane
0065	2	Weeks	Allison	3310 32nd St.	Bellingham
0066	2	Urquhart	Cecile and Alex	959 Washington Ave.	Bremerton
0067	2	Johnsen	Lauri	PO Box 1453	Maple Valley
0068	2	Bertrand	Mary	1184 NW Barker Creek Rd	Bremerton
0069	2	Chickman	Sue	212 Jamestown Beach Lane	Sequim
0070	2	Bolender	Mamie	16730 32nd Place NE	Lake Forest Park
0071	2	Hart	Laura	6053 26th Ave NE	Seattle
0072	2	Silver	Jill	888 - 53rd Street	Port Townsend
0073	2	Hausman	Leah	9301 Avondale Rd NE, Apt B2009	Redmond
0074	2	Coen	Ira	468 Gehrke Road	Port Angeles
0075	2	McGrath	Jill	6743 Palatine Ave N	Seattle
0076	2	Newman	Nancy	P.O. Box 3097	Port Angeles
0077	2	Raisler	Richard	14954 Channel Lane	LaConner
0078	2	Herbst	Rodger	17003 148th Ave NE	Woodinville
0079	3	Jones	W L	1208 NE Parker Rd	Coupeville
0080	5	Moise	Judy	3714 Burke Ave N	Seattle
0081	2	Vander Pol	Laura	9751 Densmore Ave N	Seattle
0082	2	Bourgea	Renee A	9916 NE 39th Ave.	Vancouver
0083	2	Kenyon	Richard	37814 NE 234th Ave	Yacolt
0084	2	Stagman	Robert	7401 92nd Place SE	Mercer Island
0085	5	Romero-Kirschner	Linda		
0086	2	Oberbillig	Molly	1907 Parkwood Dr SE	Olympia
0087	2	Weidman	Lynne & John	4620 Oakhurst Lane SW	Port Orchard
0088	5	Davis	Karen	22840 24th Ave W	Brier
0089	4	Kirschner	Rainer	14059 88th PL NE	Bothell
0090	5	Burgess	Gary D	617 W 26th Ave	Spokane
0091	2	Melton	Heather	9915 NE 67 Street	Vancouver
0092	5	Baker	Tammy and Dan	575 Newaukum Valley Rd	Chehalis
0093	2	KELLEY	BECKY	14037 26TH AVENUE NE	SEATTLE
0094	6	KEESLING	MAXINE	15241 NE 153RD	Woodinville
0095	7	Grigg	Judy	P.O. Box 1258	Longview

Appendix B

Numerical Listing by Commenter

Commenter #	Comment Code	Last Name	First Name	Mailing Address 1	City
0096	2	Stout	Larry D	PO BOX 719	OLYMPIA
0097	8	Hudson	Laura	P O Box 1995	Vancouver
0098	2	Swoope	Karen	1751 State Route 272	Colfax
0099	9	Keesling	Maxine	15241 NE 153rd	Woodinville
0100	2	GOULD	RAY	19225-92ND AVE W	EDMONDS
0101	2	Bramall	Ruth	11420 22nd Place NE	Lake Stevens
0102	2	Rimbos	Peter and Naomi	19711 241st Ave SE	Maple Valley
0103	2	Waltman	Ruth		
0104	2	Williams	David F	316 11 th Ave E	Seattle
0105	2	Cole	Roger		Vancouver
0106	2	Glasser	Roz		
0107	2	Winters	Jennifer	3811 SW Barton St	Seattle
0108	2	Swanson	Arland		
0109	2	Elliott	Len	2006 Riverview Drive NE	Auburn
0110	2	Lambert	Joe	10458 Seabeck Hwy NW	Seabeck
0111	2	Alexander	Richard W	3635 Fremont Avenue N, #201	Seattle
0112	2	Chapman	James L	23321 75th Ave. W.	Edmonds
0113	2	Ginsburg	Joe	12210 Densmore Ave. N.	Seattle
0114	10	Howe	Gail A	PO Box 8	Pateros
0115	11	Taylor	David D	411 N Ruby Ste 2	Ellensburg
0116	2	Crampton	Susan	PO Box 162	Twisp
0117	2	Sanford	Linda		Anacortes
0118	2	McGrath	Jill	6743 Palatine Ave N	Seattle
0119	12	Woodward	Jewell T	1415 2nd Ave Unite 2402	Seattle
0120	13	Crews	Andrew	1216 S H Street	Port Angeles
0121	13	Crews	Lisa G	1216 S H Street	Port Angeles
0122	2	Matchett	William H	PO Box 87	Seabeck
0123	2	Ferguson	Tim	2257 S Southeast Blvd #3	Spokane
0124	13	Miller	Ian	533 W 10th	Port Angeles
0125	2	Pierson	Michael	101 Fourth Ave Ste 4500	Seattle
0126	2	Manser	Gordon & Adeline	PO Box 238	Liberty Lake
0127	14	Bacon	Ronald L.	290 East Tessie Ave	Republic
0127	14	Snook	Dennis A.	290 East Tessie Ave	Republic
0128	2	Such	Renee	6015 158 Place NE	Redmond
0129	15	Rand	Larry	1204 NE 105th Place	Seattle
0130	16	Taylor	David D	411 N Ruby Ste 2	Ellensburg
0131	17	Johnson	William & Kathleen	3607 Evergreen Point Rd	Medina
0132	2	DiLabio	Gena	PO Box 1554	Coupeville
0133	2	Lee	Paul	28187 Gamble Bay Road, N.E.	Kingston
0134	2	Payson	Herbert	1231 Blaine	Port Townsend
0135	2	Kolff	Kees	510 35th St.	Port Townsend
0136	2	Melton	Heather	1418 NE 99 Avenue	Vancouver
0137	2	Levine	Ken	7231 Ledroit Ct SW	Seattle
0138	2	Nelson	Ronald	45 Helm Ln	Port Ludlow
0139	2	Johnson	George	63 Keefe Lane	Port Ludlow
0140	2	Senner	Sharon	13813 Center Road	Quilcene

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Numerical Listing by Commenter

Commenter #	Comment Code	Last Name	First Name	Mailing Address 1	City
0141	2	Crecelius	Marcia	26438 Hightland Rd NE	Kingston
0142	2	Piscitello	Elena	2023 E Sims Way #117	Port Townsend
0143	2	Kolff	Helen	510 35th Street	Port Townsend
0144	2	Ramsey	Susan	15245 NE 3rd Place	Bellevue
0145	2	McGuire	Todd	504 "V" St	Port Townsend
0146	2	Fabian	John	100 Shine Rd	Port Ludlow,
0147	2	Hoban	Marilyn	25853 Canyon Road NW	Poulsbo
0148	2	Nolan	Donna	101 margaret St	Port Ludlow
0149	2	Rafferty	William	1774 Russell St.	Poulsbo
0150	2	Kuehn	David	101 Margaret St	Port Ludlow
0151	23	Keesling	Maxine	15241 NE 153RD	Woodinville
0152	18	Brady	George	Box 535	Pateros
0153	19	Taylor	David D		
0154	20	Congdon	Gordon	P.O. Box 4461	Wenatchee
0155	21	Mulliken	Joyce	27 Apple Lane	Ephrata
0156	22	Jones	Chuck	140 NE 19th Street	East Wenatchee
0156 A	2	Chattin	Bruce	22223 7th Avenue S	Des Moines
0156 B	5	Golladay	Max		Ellensburg
0157	25	Thurston-Johnson	Lynn		
0158	2	Schanz	Robert W	417 North Pearl St	Centralia
0159	2	Marett	Susan	92 N. Rhododendron Dr.	Port Townsend
0160	2	Muller	Catherine	PO Box 1122	Sequim
0161	2	Gerstenberger	Cheri	31879 S. Bridge Way N.E.	Poulsbo
0162	26	Gresky	Robert	10202 39th Ave SW	Seattle
0163	27	Plunkett	Mark	1483 Alaskan Way	Seattle
0164	2	Barnes	Janet	731 South Point Rd.	Port Ludlow
0165	2	Mathurin	Edward	154 Maxview Drive	Port Ludlow
0166	28	Pratt	Cynthia R.	600 Capitol Way North	Olympia
0167	29	Sundquist	Liann	7211 - 36th Avenue SW	Seattle
0168	30	Berglund	Bruce	15643 Maple Wild Ave SW	Burien
0169	2	Lindstrom	Hal & Gloria	1831 Hanson Road	Ellensburg
0170	31	Sandaas	Richard K.	12453 Holmes Point Drive	Kirkland
0171	2	Koonts	Dean W.	110 - 13th Avenue E #9	Seattle
0172	32	Arlt	Gene	4050 Flatcreek Road	Northport
0173	2	Conti	Charles & Georgia	5106 SW Waite Street	Seattle
0174	33	Redman	Harold		
0175		Skipped Number			
0176	5	Lichtenwald	Daniel	P.O. Box 1200	Goldendale
0177	34	Grigg	Judy	P.O. Box 1258	Longview
0178	35	Hamilton	Pat	P.O. Box 187	South Bend
0179	36	Mulliken	Joyce		
0180	37	Kennon	Richard		
0181	5	Dryland	Richard	27511 NE 29th Avenue	Ridgefield
0182	38	Kink	Richard	19553 - 27th Avenue NW	Shoreline
0183	39	Kolbo	Jim	4017 Mayne Lane	Ferndale
0184	40	Sacha	Leslie	929 N. 76th Street	Seattle
0185	41	Palmer	William M.	P.O. Box 6	Port Orchard

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Numerical Listing by Commenter

Commenter #	Comment Code	Last Name	First Name	Mailing Address 1	City
0186	42	Ruby	Mike	4128 Burke N	Seattle
0187	43	Reis	Mary	20106 SE 20th Place	Sammammish
0188	2	Kelley	Becky		
0189	44	Grunbaum	Arthur	1128 State Route 105	Aberdeen
0190	2	Kogut	Megan	41225 May Creek Road	Goldbar
0191	2	Miller	Ian		
0192	45	Trohimovich	Tim	1617 Boylston Avenue	Seattle
0193	46	Keesling	Maxine		
0194	47	O'Neil	Willy	410 11th Avenue SE	Olympia
0195	48	Mulliken	Joyce		
0196	5	Henderson	Vivian	P.O. Box 2133	Port Orchard
0197	49	Oleksiak	Jan	P.O. Box 2045	Bremerton
0198	50	Mulliken	Joyce		
0198	50	Schindler	Lynn	6315 N. Campbell	Otis Orchard
0199	30	Setting	Joseph P	728 Twisp River Road	Twisp
0200	51	Setting	Vivian L	728 Twisp River Road	Twisp
0201	52	Williams	David B	1076 Franklin Street SE	Olympia
0202	53	Lam	Raymond	P O Box 500	Wallula
0203	54	Aagaard	Ann	4710 University Way NE # 214	Seattle
0204	55	Gorsline	Jerry	615 Second Avenue Suite 380	Seattle
0205	56	Roberts	Paul	2930 Wetmore Avenue Suite 8-A	Everett
0206	57	Forsberg	Richard	10505 - 90th Avenue E	Puyallup
0207	3	Morgan	Thomas E	3242 - 78th Place NE	Medina
0208	5	Morgan	Cheryl	102 Hayward Road	Pullman
0209	58	Hart	Paul	2107 South Adams Street	Tacoma
0210	54	Toepel	Peggy	P O Box 13288	Everett
0211	5	McGrath	David A	P O Box 506	Medina
0212	55	Grunbaum	Arthur	1128 State Route 105	Aberdeen
0213	56	Holman	Mark		
0214	2	Banks	Barbara	3626 SW Othello Street	Seattle
0215	28	Pratt	Cynthia R.	600 Capitol Way North	Olympia
0216	35	Sweeney	John		
0217	35	Lam	Raymond	P O Box 500	Wallula
0218	5	Colley	Cathy		
0219	57	Estes	Ken	P O Box 656	Ocean Shores
0220	58	Schaftlein	Shari M.		
0221	59	Broback	Steve	16541 Redmond Way #283-C	Redmond
0222	60	Hayes	Jennifer	2000 Lakeridge Drive SW	Olympia
0223	56	Roberts	Paul	2930 Wetmore Avenue Suite 8-A	Everett
0224	61	Morgan	Thomas E		
0225	5	McIntyre	James D.		
0226	62	Cairns	Bill	3440 Point White Drive NE	Bainbridge Island
0227	75	Stern	Ann & Roger	10778 NE Seaborn Road	Bainbridge Island
0228	3	Ferrin	Allan	6015 Crystal Springs Road	Bainbridge Island
0229	18	Rosling	John C.		
0230	75	Fiander	Mary Lou	7616 Madrona Drive NE	Bainbridge

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Numerical Listing by Commenter

Commenter #	Comment Code	Last Name	First Name	Mailing Address 1	City
					Island
0231	2	Wilson	David		
0232	3	Williams	Jean		
0233	35	Whalen	Michael		
0234	5	Syvertsem	Georg	10048 NE High School Road	Bainbridge Island
0235	6	Hempelmann	John	524 Second Avenue Suite 500	Seattle
0236	62	Beasley	Dale	P O Box 461	Ilwaco
0237	64	Soames	Steve & Sharon		
0238	5	Hughes	James & Marilee	P O Box 11518	Bainbridge Island
0239		skipped number			
0240		skipped number			
0241	65	Holmgren	Richard	12281 Arrow Point Loop	Bainbridge Island
0242	75	Stowell	Robert & Michelle		
0243	3	Sweeney	John	10316 - 8th Avenue NE	Seattle
0244	6	Bennett	Donald	3230 Point White Drive NE	Bainbridge Island
0245	75	McCann	Michael	101097 NE South Beach Drive	Bainbridge Island
0246	5	Hughes	Rex		Bainbridge Island
0247	66	Broback	Steve	13917 - 186th Avenue NE	Woodinville
0248	31	Myers	Julie		
0249	17	Mosey	Teresa		
0250	5	Andreasen	Kirk		
0251	75	McNulty	John		
0252	67	Crossen	Karen	5961 Rose NE	Bainbridge Island
0253	2	Wingard	Joel		
0254	66	Broback	John K.		
0255	68	Steffensen	Wendy	1155 N State Street #623	Bellingham
0256	69	Angell	Larry	411 Washington Street	Wenatchee
0257	70	Breeds	Chris D.	P O Box 520	North Bend
0258	71	Weinberg	Perry	401 South Jackson Street	Seattle
0259	72	Slavik	Jodi C.	P O Box 1909	Olympia
0260	73	Menzies	Geoff	988 West Laurel Road	Ferndale
0261	74	McNair	Francea L.		
0262	75	Tripp	Gary	321 High School Road #386	Bainbridge Island
0263	76	Johnson	Eric		
0264	77	Hudson	Laura	P O Box 1995	Vancouver
0265	78	Hart	Hal H.	5280 Northwest Drive	Bellingham
0266	79	Simmons	Scott L.	127 N Wynne Street	Colville
0267	80	Coachman	Luanne	201 South Jackson Street Suite 600	Seattle
0268	75	Hagstromer	Claes	11295 Wing Point Drive NE	Bainbridge Island
0269	5	Wuerth	Dennis	P O Box 308	Malo
0270	81	Patterson	Dean		

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Numerical Listing by Commenter

Commenter #	Comment Code	Last Name	First Name	Mailing Address 1	City
0271	5	Hausmann	Paul	9453 Olympus Beach Road NE	Bainbridge Island
0272	2	Rose	Scott	27313 NE Bennett Rd	Battle Ground
0273	5	Dashiell	Don	3565 Harvey Creek Road	Hunters
0274	82	Wood	Dan	1011 10th Avenue SE	Olympia
0275	83	O'Hara	Charles		
0276	84	Kattermann	Michael D.	Lloyd Building, Suite 610	Seattle
0277	85	Godard	Don	P.O. Box 878	Ephrata
0278	2	Soest	Jon	18200 River Road	Leavenworth
0279	86	Lofton	Andrew	600 Fourth Avenue, 12th Floor	Seattle
0280	87	Roos	Stephen H.	500 Galland Building	Seattle
0281	88	Conlen	Isaac		
0282	89	Willis	Robert E.	P.O. Box 2946	Portland
0283	90	Gurol	Kamuron G.	614 Division Street MS-36	Port Orchard
0284	75	Richer	Michael A.		
0285	91	Schulze	Dale		
0286	1	Adams	Raymond		
0287	2	Carter	Nina	P.O. Box 462	Olympia
0288	92	O'Neil	Willy		
0289	83	O'Hara	Charles	P.O. Box 817	La Connor
0290	88	Conlen	Isaac	3715 Bridgeport Way West	University Place
0291	90	Gurol	Kamuron G.	614 Division Street MS-36	Port Orchard
0292	86	Lofton	Andrew	600 Fourth Avenue, 7th Floor	Seattle
0293	89	Willis	Robert E.	P.O. Box 2946	Portland
0294	93	Paine	Michael N.	P.O. Box 90012	Bellevue
0295	84	Kattermann	Michael D.	Lloyd Building, Suite 610	Seattle
0296	2	Kelleher	Connie M.	150 Nickerson Street, Suite 311	Seattle
0297	82	Wood	Dan		
0298	85	Godard	Don	P.O. Box 878	Ephrata
0299	94	Smith	Kendra	200 West Washington Street	Mt. Vernon
0300	95	Lebow	Sharon B. and Robert J.	W. Lake Sammamish Pkwy SE	Bellevue
0301	81	Patterson	Dean	128 North Second Street, Rm 417	Yakima
0302	87	Roos	Stephen H.	500 Galland Building	Seattle
0303	nc	Demitriades	LtCol Paul B.	2254 Evergreen Point Rd	Medina
0304	96	Parsons	Chris	128 - 10th Avenue SE	Olympia
0305	97	Davies	Bruce	6730 Martin Way E.	Olympia
0306	98	Maples	Doug	129 North Second Street, 2nd Floor	Yakima
0307	16	Kunka	Tim	P.O. Box 96	Ellensburg
0308	8	Wimpy	Thomas	3822 E 2nd Avenue	Spokane
0309	99	Mulliken	Joyce		
0310	5	Schindler	Lynn		
0311	100	Kalbfleisch	Wayne	8904 E. Woodland Park Drive	Spokane
0312	1	Yusé	Frank	7037 N. "G"	Spokane
	nc	Aldrich	Nancy	P.O. Box 190	Richland
	nc	Ault	Walter H.	2514 Judge Ronald Road	Ellensburg
	nc	Blair	Lori A.	422767 SR 20	Usk
	nc	Boyd	Charly	P.O. Box 790	Stevenson

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Numerical Listing by Commenter

Commenter #	Comment Code	Last Name	First Name	Mailing Address 1	City
	nc	Christine	Scott	6690 Stines Hill	Cashmere
	nc	Corning	John	894 Highway 2	Leavenworth
	nc	Corning	Joshua	894 Highway 2	Leavenworth
	nc	Courtney	Dawn	P.O. Box 382	Castle Rock
	nc	Davey	Lonnie	15418 231st Avenue SE	Issaquah
	nc	Dietz	Clyde	191 Constantine Way	Aberdeen
	nc	Engvall	Mr. & Mrs. Brady	3714 Oyster Place E	Aberdeen
	nc	Farr	Ann K.	5124 - 1st Avenue NW	Seattle
	nc	Fawell	Stacy	433 15th Street	Bellingham
	nc	France	Clell & Barbara	P.O. Box 925	Wenatchee
	nc	Friedberg-Nerf	Judy	1600 Madrona Pt. Drive	Bremerton
	nc	Frost	Wayne	3320 N. Argonne	Spokane
	nc	Gates	Andrea	18215 72nd Avenue South	Kent
	nc	Gellings	Joseph	117 S. Main Street	Seattle
	nc	Glowacki	Maggie	700 Fifth Avenue, Suite 2000	Seattle
	nc	Goss	Scott	9226 1st Avenue NW	Seattle
	nc	Grafious	Mary		
	nc	Guinnes	David R.	P.O. Box 1222	Wenatchee
	nc	Hampton	Waikele	P.O. Box 1231	Wenatchee
	nc	Hedeen	Lenore	7821 NE 112th Street	Kirkland
	nc	Hedglin	Lloyd	3312 Coal Case Road	Longview
	nc	Johnston	Deena	133 Timberline	Castle Rock
	nc	Katz	Christine	411 Washington Street	Wenatchee
	nc	Kaysen	Mike	615 Monahan Road	Castle Rock
	nc	Kimball	Allison	411 N. Ruby, Suite 2	Ellensburg
	nc	Kurbitz	Jim	504 E. 14 Avenue, Suite 200	Olympia
	nc	Leber	John	240 Tennant Way	Longview
	nc	Marat	Katherine	1550 Alder Street NW	Ephrata
	nc	Mason	Michael	128 N 2nd Street	Yakima
	nc	Matson	Linda	1500 Lake Park Drive SW #21	Olympia
	nc	Mayhew	Miles		
	nc	McCracken	Annie	8339 NE Juanita Drive	Kirkland
	nc	McCracken	Ben A.	8339 NE Juanita Drive	Kirkland
	nc	McDonald	Jana	5111 E Broadway	Spokane
	nc	McOrton	Joan	P.O. Box 1304	Seahurst
	nc	Meile	Bernard H.	P.O. Box 467	Oakville
	nc	Millspaw	Robert	P.O. Box 128	Longview
	nc	Mitchell	Mark	900 Oakesdale Avenue SW	Renton
	nc	Nerf	R.B.	1600 Madrona Pt. Drive	Bremerton
	nc	Noerenbieso	Chan	1015 Hazel Dell Road	Castle Rock
	nc	Nofziger	Elmer	322 King Road	Silver Lake
	nc	Orgel	Linda	1128 State Route 105	Aberdeen
	nc	Paleberg	Brian	1128 Broadway	Longview
	nc	Parlette	Linda		Wenatchee
	nc	Peach	Brad	124 Monticello Drive	Longview
	nc	Peach	Susan J.	124 Monticello Drive	Longview
	nc	Phillips	Bud	2724 - 42nd Avenue	Longview
	nc	Rose	Scott	27313 NE Bennett Rd	Battle Ground

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Numerical Listing by Commenter

Commenter #	Comment Code	Last Name	First Name	Mailing Address 1	City
	nc	Rosotto	Michael	4053 NE 92nd	Seattle
	nc	Sears	Cliff	P.O. Box 908	Ephrata
	nc	Skinner	Ann	411 Washington Street	Wenatchee
	nc	St. Luise	Mick & Pat	1924 Lion Place	Wenatchee
	nc	Truscott	Keith	P.O. Box 1231	Wenatchee
	nc	Wavra	Cliff	411 Washington Street	Wenatchee
	nc	White	Sandy	1311 SE Grace Avenue, Suite 203	Battle Ground
	nc	Wolf	Keith	11232 320th Avenue NE	Carnation
	nc	Wolf	Margo	P.O. Box 719	Newman Lake
	nc	Zapletal	Jiri	9037 NE 143rd	Bothell

Appendix C

Numerical Listing by Comment Number

Commenter #	Comment Code	Last Name	First Name	Mailing Address 1	City
0286	1	Adams	Raymond		
0312	1	Yusé	Frank	7037 N. "G"	Spokane
0002	2	Burkholder	Bob	4051 Bluff Lane	Bainbridge Island
0003	2	Culver	Burt	1526 14th Ave S	Seattle
0004	2	Call	Jim	2804 Holm Rd E	Fife
0005	2	King	Jon	P.O. Box 1724	Sequim
0006	2	YOUNT	JO	717 25th St	Port Townsend
0007	2	Christopherson	Kenneth	809 Tule Lk Rd S	Tacoma
0009	2	Marshall	L	3615 Bennett Drive, #F324	Bellingham
0010	2	Marett	Susan	92 N. Rhododendron Dr	Port Townsend
0011	2	Houmes	Vince	1711 143rd Pl SE #C7	Bellevue
0012	2	BOLIN	AMY	708 E. HOLLY ST	BELLINGHAM
0013	2	Souers	Amy	2100 Wolfe Place West	Seattle
0014	2	Barmettler	Bill	POB 1462	Chehalis
0015	2	Carroll	Carla	3438 161st PL SE	Bellevue
0016	2	Apgood	Charlotte	220 Strawberry Field Drive	Sequim
0017	2	Cuizon	Daphne	6817-21st Ave NE	Seattle
0018	2	Hoskins	Dick	1619 Dickinson Ave	Olympia
0019	2	Geer	Dolores E	3929 East Campbell Road	Clinton
0020	2	DeNiro	Elizabeth	16226 North Sands Road	Mead
0021	2	Roberts	James	215 S. Ellis St.	Palouse
0022	2	Weedman	Janet	703 W. Shoshone PL	Spokane
0023	2	Sheldon	Jill	3107 East Yesler	Seattle
0024	2	ARUM	JOHN	20511 105TH AVENUE SW	VASHON
0025	2	Vinson	John	1338 Wingwood Place	Shelton
0026	2	Koetke	Laura	16639 NE 48 St	Redmond
0027	2	Eiger	Leonard	PO Box 2525	North Bend
0029	2	Boelling	Mack	1067 W Street	Port Townsend
0030	2	Haggard	Margot	2412 42nd Ave E #413	Seattle
0031	2	Koester	Martha	10015 Second Ave South	Seattle
0032	2	Maloney	Maureen	5839 Rich Road SE	Olympia
0033	2	Roth	Peter	7415 - 5th Ave NE #208	Seattle
0034	2	Dalton	Robert	7751 17th Ave NE	Seattle
0035	2	RAMEY	RONALD	4630 MERMONT PLACE	EVERETT
0036	2	Lovelace	Steven	PO Box 245	Wilkeson
0037	2	Bruce	Tipton	6308 100th St NE	Marysville
0038	2	Salters	Carrie	806 NW 49th St	Seattle
0040	2	Golde	Marcy	4407 52 NE	Seattle
0041	2	Heiman	Marilyn	1823 Warren Ave. N.	Seattle
0042	2	Gheen	Nathan	1035 NE 61 St	Seattle
0043	2	Osebold	Paul	North 15215 Cincinnati Drive	Spokane
0044	2	Smith	Richard	4800 Fremont Ave. N. #202	Seattle
0045	2	Pender	Stephanie	6522 16th Ave SW	Seattle
0046	2	CHIAT	SUSAN	31ST AVE. S.	SEATTLE
0047	2	Rich	Tim	2821 2nd Ave. #2104	Seattle
0048	2	Bubelis	Wally	5432 45th Ave SW	Seattle
0049	2	Berger	Adam	6525 23rd Avenue NE	Seattle
0050	2	Peake	Heather	5921 32nd Avenue, SW	Seattle

Appendix C

Numerical Listing by Comment Number

Commenter #	Comment Code	Last Name	First Name	Mailing Address 1	City
0051	2	Brenna	Elena	110 Harbor View Pl	Port Ludlow
0052	2	A	Dawn	2751 Prosperity Avenue	Fairfax
0054	2	Sonntag	Ron	14930 141st Avenue SE	Snohomish
0055	2	Kirn	Vanessa	712 4th Street NE	Puyallup
0056	2	Collier	Pat	PO Box 574	Vashon Island
0057	2	Bailey	David	114 Craig Road	Sequim
0058	2	Ball	Eldon	3022 NE 140th St., #121	Seattle
0059	2	Paige	Jane	245 Lake Hills Blvd.	Bellevue
0060	2	Compton	Jeff	3967 Phinney Avenue N	Seattle
0061	2	Bremer	John	542 West Lake Samish Drive	Bellingham
0062	2	Harrison	Mark	2 143rd Ave SE	Bellevue
0063	2	Weatherby	Mike	3520 South 356th St	Auburn
0064	2	Berkman	Miriam	627 West Euclid Ave	Spokane
0065	2	Weeks	Allison	3310 32nd St.	Bellingham
0066	2	Urquhart	Cecile and Alex	959 Washington Ave.	Bremerton
0067	2	Johnsen	Lauri	PO Box 1453	Maple Valley
0068	2	Bertrand	Mary	1184 NW Barker Creek Rd	Bremerton
0069	2	Chickman	Sue	212 Jamestown Beach Lane	Sequim
0070	2	Bolender	Mamie	16730 32nd Place NE	Lake Forest Park
0071	2	Hart	Laura	6053 26th Ave NE	Seattle
0072	2	Silver	Jill	888 - 53rd Street	Port Townsend
0073	2	Hausman	Leah	9301 Avondale Rd NE, Apt B2009	Redmond
0074	2	Coen	Ira	468 Gehrke Road	Port Angeles
0075	2	McGrath	Jill	6743 Palatine Ave N	Seattle
0076	2	Newman	Nancy	P.O. Box 3097	Port Angeles
0077	2	Raisler	Richard	14954 Channel Lane	LaConner
0078	2	Herbst	Rodger	17003 148th Ave NE	Woodinville
0081	2	Vander Pol	Laura	9751 Densmore Ave N	Seattle
0082	2	Bourgea	Renee A	9916 NE 39th Ave.	Vancouver
0083	2	Kenyon	Richard	37814 NE 234th Ave	Yacolt
0084	2	Stagman	Robert	7401 92nd Place SE	Mercer Island
0086	2	Oberbillig	Molly	1907 Parkwood Dr SE	Olympia
0087	2	Weidman	Lynne & John	4620 Oakhurst Lane SW	Port Orchard
0091	2	Melton	Heather	9915 NE 67 Street	Vancouver
0093	2	KELLEY	BECKY	14037 26TH AVENUE NE	SEATTLE
0096	2	Stout	Larry D	PO BOX 719	OLYMPIA
0098	2	Swoope	Karen	1751 State Route 272	Colfax
0100	2	GOULD	RAY	19225-92ND AVE W	EDMONDS
0101	2	Bramall	Ruth	11420 22nd Place NE	Lake Stevens
0102	2	Rimbos	Peter and Naomi	19711 241st Ave SE	Maple Valley
0103	2	Waltman	Ruth		
0104	2	Williams	David F	316 11 th Ave E	Seattle
0105	2	Cole	Roger		Vancouver
0106	2	Glasser	Roz		
0107	2	Winters	Jennifer	3811 SW Barton St	Seattle
0108	2	Swanson	Arland		
0109	2	Elliott	Len	2006 Riverview Drive NE	Auburn
0110	2	Lambert	Joe	10458 Seabeck Hwy NW	Seabeck

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Numerical Listing by Comment Number

Commenter #	Comment Code	Last Name	First Name	Mailing Address 1	City
0111	2	Alexander	Richard W	3635 Fremont Avenue N, #201	Seattle
0112	2	Chapman	James L	23321 75th Ave. W.	Edmonds
0113	2	Ginsburg	Joe	12210 Densmore Ave. N.	Seattle
0116	2	Crampton	Susan	PO Box 162	Twisp
0117	2	Sanford	Linda		Anacortes
0118	2	McGrath	Jill	6743 Palatine Ave N	Seattle
0122	2	Matchett	William H	PO Box 87	Seabeck
0123	2	Ferguson	Tim	2257 S Southeast Blvd #3	Spokane
0125	2	Pierson	Michael	101 Fourth Ave Ste 4500	Seattle
0126	2	Manser	Gordon & Adeline	PO Box 238	Liberty Lake
0128	2	Such	Renee	6015 158 Place NE	Redmond
0132	2	DiLabio	Gena	PO Box 1554	Coupeville
0133	2	Lee	Paul	28187 Gamble Bay Road, N.E.	Kingston
0134	2	Payson	Herbert	1231 Blaine	Port Townsend
0135	2	Kolff	Kees	510 35th St.	Port Townsend
0136	2	Melton	Heather	1418 NE 99 Avenue	Vancouver
0137	2	Levine	Ken	7231 Ledroit Ct SW	Seattle
0138	2	Nelson	Ronald	45 Helm Ln	Port Ludlow
0139	2	Johnson	George	63 Keefe Lane	Port Ludlow
0140	2	Senner	Sharon	13813 Center Road	Quilcene
0141	2	Crecelius	Marcia	26438 Hightland Rd NE	Kingston
0142	2	Piscitello	Elena	2023 E Sims Way #117	Port Townsend
0143	2	Kolff	Helen	510 35th Street	Port Townsend
0144	2	Ramsey	Susan	15245 NE 3rd Place	Bellevue
0145	2	McGuire	Todd	504 "V" St	Port Townsend
0146	2	Fabian	John	100 Shine Rd	Port Ludlow,
0147	2	Hoban	Marilyn	25853 Canyon Road NW	Poulsbo
0148	2	Nolan	Donna	101 margaret St	Port Ludlow
0149	2	Rafferty	William	1774 Russell St.	Poulsbo
0150	2	Kuehn	David	101 Margaret St	Port Ludlow
0158	2	Schanz	Robert W	417 North Pearl St	Centralia
0159	2	Marett	Susan	92 N. Rhododendron Dr.	Port Townsend
0160	2	Muller	Catherine	PO Box 1122	Sequim
0161	2	Gerstenberger	Cheri	31879 S. Bridge Way N.E.	Poulsbo
0164	2	Barnes	Janet	731 South Point Rd.	Port Ludlow
0165	2	Mathurin	Edward	154 Maxview Drive	Port Ludlow
0169	2	Lindstrom	Hal & Gloria	1831 Hanson Road	Ellensburg
0171	2	Koonts	Dean W.	110 - 13th Avenue E #9	Seattle
0173	2	Conti	Charles & Georgia	5106 SW Waite Street	Seattle
0188	2	Kelley	Becky		
0190	2	Kogut	Megan	41225 May Creek Road	Goldbar
0191	2	Miller	Ian		
0214	2	Banks	Barbara	3626 SW Othello Street	Seattle
0231	2	Wilson	David		
0253	2	Wingard	Joel		
0272	2	Rose	Scott	27313 NE Bennett Rd	Battle Ground
0278	2	Soest	Jon	18200 River Road	Leavenworth
0287	2	Carter	Nina	P.O. Box 462	Olympia
0296	2	Kelleher	Connie M.	150 Nickerson Street, Suite 311	Seattle

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Numerical Listing by Comment Number

Commenter #	Comment Code	Last Name	First Name	Mailing Address 1	City
0156 A	2	Chattin	Bruce	22223 7th Avenue S	Des Moines
0079	3	Jones	W L	1208 NE Parker Rd	Coupeville
0207	3	Morgan	Thomas E	3242 - 78th Place NE	Medina
0228	3	Ferrin	Allan	6015 Crystal Springs Road	Bainbridge Island
0232	3	Williams	Jean		
0243	3	Sweeney	John	10316 - 8th Avenue NE	Seattle
0089	4	Kirschner	Rainer	14059 88th PL NE	Bothell
0008	5	Dixon	Katherine	13211 NE 38th Circle	Vancouver
0028	5	Geller	Leslie	15102 SE 43rd St.	Bellevue
0039	5	Eberhardt	James	2516 17th St	Anacortes
0053	5	Saling	Rick	5425 57th Ave S	Seattle
0080	5	Moise	Judy	3714 Burke Ave N	Seattle
0085	5	Romero-Kirschner	Linda		
0088	5	Davis	Karen	22840 24th Ave W	Brier
0090	5	Burgess	Gary D	617 W 26th Ave	Spokane
0092	5	Baker	Tammy and Dan	575 Newaukum Valley Rd	Chehalis
0176	5	Lichtenwald	Daniel	P.O. Box 1200	Goldendale
0181	5	Dryland	Richard	27511 NE 29th Avenue	Ridgefield
0196	5	Henderson	Vivian	P.O. Box 2133	Port Orchard
0208	5	Morgan	Cheryl	102 Hayward Road	Pullman
0211	5	McGrath	David A	P O Box 506	Medina
0218	5	Colley	Cathy		
0225	5	McIntyre	James D.		
0234	5	Syvertsem	Georg	10048 NE High School Road	Bainbridge Island
0238	5	Hughes	James & Marilee	P O Box 11518	Bainbridge Island
0246	5	Hughes	Rex		Bainbridge Island
0250	5	Andreasen	Kirk		
0269	5	Wuerth	Dennis	P O Box 308	Malo
0271	5	Hausmann	Paul	9453 Olympus Beach Road NE	Bainbridge Island
0273	5	Dashiell	Don	3565 Harvey Creek Road	Hunters
0310	5	Schlindler	Lynn		
0156 B	5	Golladay	Max		Ellensburg
0094	6	KEESLING	MAXINE	15241 NE 153RD	Woodinville
0235	6	Hempelmann	John	524 Second Avenue Suite 500	Seattle
0244	6	Bennett	Donald	3230 Point White Drive NE	Bainbridge Island
0095	7	Grigg	Judy	P.O. Box 1258	Longview
0097	8	Hudson	Laura	P O Box 1995	Vancouver
0308	8	Wimpy	Thomas	3822 E 2nd Avenue	Spokane
0099	9	Keesling	Maxine	15241 NE 153rd	Woodinville
0114	10	Howe	Gail A	PO Box 8	Pateros
0115	11	Taylor	David D	411 N Ruby Ste 2	Ellensburg
0119	12	Woodward	Jewell T	1415 2nd Ave Unite 2402	Seattle
0120	13	Crews	Andrew	1216 S H Street	Port Angeles
0121	13	Crews	Lisa G	1216 S H Street	Port Angeles
0124	13	Miller	Ian	533 W 10th	Port Angeles
0127	14	Bacon	Ronald L.	290 East Tessie Ave	Republic
0127	14	Snook	Dennis A.	290 East Tessie Ave	Republic
0129	15	Rand	Larry	1204 NE 105th Place	Seattle
0130	16	Taylor	David D	411 N Ruby Ste 2	Ellensburg

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Numerical Listing by Comment Number

Commenter #	Comment Code	Last Name	First Name	Mailing Address 1	City
0307	16	Kunka	Tim	P.O. Box 96	Ellensburg
0131	17	Johnson	William & Kathleen	3607 Evergreen Point Rd	Medina
0249	17	Mosey	Teresa		
0152	18	Brady	George	Box 535	Pateros
0229	18	Rosling	John C.		
0153	19	Taylor	David D		
0154	20	Congdon	Gordon	P.O. Box 4461	Wenatchee
0155	21	Mulliken	Joyce	27 Apple Lane	Ephrata
0156	22	Jones	Chuck	140 NE 19th Street	East Wenatchee
0151	23	Keesling	Maxine	15241 NE 153RD	Woodinville
0001	24	Sutherland	Doug	PO BOX 4700	OLYMPIA
0157	25	Thurston-Johnson	Lynn		
0162	26	Gresky	Robert	10202 39th Ave SW	Seattle
0163	27	Plunkett	Mark	1483 Alaskan Way	Seattle
0166	28	Pratt	Cynthia R.	600 Capitol Way North	Olympia
0215	28	Pratt	Cynthia R.	600 Capitol Way North	Olympia
0167	29	Sundquist	Liann	7211 - 36th Avenue SW	Seattle
0168	30	Berglund	Bruce	15643 Maple Wild Ave SW	Burien
0199	30	Setting	Joseph P	728 Twisp River Road	Twisp
0170	31	Sandaas	Richard K.	12453 Holmes Point Drive	Kirkland
0248	31	Myers	Julie		
0172	32	Arlt	Gene	4050 Flatcreek Road	Northport
0174	33	Redman	Harold		
0177	34	Grigg	Judy	P.O. Box 1258	Longview
0178	35	Hamilton	Pat	P.O. Box 187	South Bend
0216	35	Sweeney	John		
0217	35	Lam	Raymond	P O Box 500	Wallula
0233	35	Whalen	Michael		
0179	36	Mulliken	Joyce		
0180	37	Kenyon	Richard		
0182	38	Kink	Richard	19553 - 27th Avenue NW	Shoreline
0183	39	Kolbo	Jim	4017 Mayne Lane	Ferndale
0184	40	Sacha	Leslie	929 N. 76th Street	Seattle
0185	41	Palmer	William M.	P.O. Box 6	Port Orchard
0186	42	Ruby	Mike	4128 Burke N	Seattle
0187	43	Reis	Mary	20106 SE 20th Place	Sammammish
0189	44	Grunbaum	Arthur	1128 State Route 105	Aberdeen
0192	45	Trohimovich	Tim	1617 Boylston Avenue	Seattle
0193	46	Keesling	Maxine		
0194	47	O'Neil	Willy	410 11th Avenue SE	Olympia
0195	48	Mulliken	Joyce		
0197	49	Oleksiak	Jan	P.O. Box 2045	Bremerton
0198	50	Mulliken	Joyce		
0198	50	Schindler	Lynn	6315 N. Campbell	Otis Orchard
0200	51	Setting	Vivian L	728 Twisp River Road	Twisp
0201	52	Williams	David B	1076 Franklin Street SE	Olympia
0202	53	Lam	Raymond	P O Box 500	Wallula
0203	54	Aagaard	Ann	4710 University Way NE # 214	Seattle

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Numerical Listing by Comment Number

Commenter #	Comment Code	Last Name	First Name	Mailing Address 1	City
0210	54	Toepel	Peggy	P O Box 13288	Everett
0204	55	Gorsline	Jerry	615 Second Avenue Suite 380	Seattle
0212	55	Grunbaum	Arthur	1128 State Route 105	Aberdeen
0205	56	Roberts	Paul	2930 Wetmore Avenue Suite 8-A	Everett
0213	56	Holman	Mark		
0223	56	Roberts	Paul	2930 Wetmore Avenue Suite 8-A	Everett
0206	57	Forsberg	Richard	10505 - 90th Avenue E	Puyallup
0219	57	Estes	Ken	P O Box 656	Ocean Shores
0209	58	Hart	Paul	2107 South Adams Street	Tacoma
0220	58	Schaftlein	Shari M.		
0221	59	Broback	Steve	16541 Redmond Way #283-C	Redmond
0222	60	Hayes	Jennifer	2000 Lakeridge Drive SW	Olympia
0224	61	Morgan	Thomas E		
0226	62	Cairns	Bill	3440 Point White Drive NE	Bainbridge Island
0236	62	Beasley	Dale	P O Box 461	Ilwaco
0237	64	Soames	Steve & Sharon		
0241	65	Holmgren	Richard	12281 Arrow Point Loop	Bainbridge Island
0247	66	Broback	Steve	13917 - 186th Avenue NE	Woodinville
0254	66	Broback	John K.		
0252	67	Crossen	Karen	5961 Rose NE	Bainbridge Island
0255	68	Steffensen	Wendy	1155 N State Street #623	Bellingham
0256	69	Angell	Larry	411 Washington Street	Wenatchee
0257	70	Breeds	Chris D.	P O Box 520	North Bend
0258	71	Weinberg	Perry	401 South Jackson Street	Seattle
0259	72	Slavik	Jodi C.	P O Box 1909	Olympia
0260	73	Menzies	Geoff	988 West Laurel Road	Ferndale
0261	74	McNair	Francea L.		
0227	75	Stern	Ann & Roger	10778 NE Seaborn Road	Bainbridge Island
0230	75	Fiander	Mary Lou	7616 Madrona Drive NE	Bainbridge Island
0242	75	Stowell	Robert & Michelle		
0245	75	McCann	Michael	101097 NE South Beach Drive	Bainbridge Island
0251	75	McNulty	John		
0262	75	Tripp	Gary	321 High School Road #386	Bainbridge Island
0268	75	Hagstromer	Claes	11295 Wing Point Drive NE	Bainbridge Island
0284	75	Richer	Michael A.		
0263	76	Johnson	Eric		
0264	77	Hudson	Laura	P O Box 1995	Vancouver
0265	78	Hart	Hal H.	5280 Northwest Drive	Bellingham
0266	79	Simmons	Scott L.	127 N Wynne Street	Colville
0267	80	Coachman	Luanne	201 South Jackson Street Suite 600	Seattle
0270	81	Patterson	Dean		
0301	81	Patterson	Dean	128 North Second Street, Rm 417	Yakima
0274	82	Wood	Dan	1011 10th Avenue SE	Olympia
0297	82	Wood	Dan		
0275	83	O'Hara	Charles		
0289	83	O'Hara	Charles	P.O. Box 817	La Connor
0276	84	Kattermann	Michael D.	Lloyd Building, Suite 610	Seattle
0295	84	Kattermann	Michael D.	Lloyd Building, Suite 610	Seattle

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Numerical Listing by Comment Number

Commenter #	Comment Code	Last Name	First Name	Mailing Address 1	City
0277	85	Godard	Don	P.O. Box 878	Ephrata
0298	85	Godard	Don	P.O. Box 878	Ephrata
0279	86	Lofton	Andrew	600 Fourth Avenue, 12th Floor	Seattle
0292	86	Lofton	Andrew	600 Fourth Avenue, 7th Floor	Seattle
0280	87	Roos	Stephen H.	500 Galland Building	Seattle
0302	87	Roos	Stephen H.	500 Galland Building	Seattle
0281	88	Conlen	Isaac		
0290	88	Conlen	Isaac	3715 Bridgeport Way West	University Place
0282	89	Willis	Robert E.	P.O. Box 2946	Portland
0293	89	Willis	Robert E.	P.O. Box 2946	Portland
0283	90	Gurol	Kamuron G.	614 Division Street MS-36	Port Orchard
0291	90	Gurol	Kamuron G.	614 Division Street MS-36	Port Orchard
0285	91	Schulze	Dale		
0288	92	O'Neil	Willy		
0294	93	Paine	Michael N.	P.O. Box 90012	Bellevue
0299	94	Smith	Kendra	200 West Washington Street	Mt. Vernon
0300	95	Lebow	Sharon B. and Robert J.	W. Lake Sammamish Pkwy SE	Bellevue
0304	96	Parsons	Chris	128 - 10th Avenue SE	Olympia
0305	97	Davies	Bruce	6730 Martin Way E.	Olympia
0306	98	Maples	Doug	129 Norht Second Street, 2nd Floor	Yakima
0309	99	Mulliken	Joyce		
0311	100	Kalbfleisch	Wayne	8904 E. Woodland Park Drive	Spokane
0303	nc	Demitriades	LtCol Paul B.	2254 Evergreen Point Rd	Medina
	nc	Aldrich	Nancy	P.O. Box 190	Richland
	nc	Ault	Walter H.	2514 Judge Ronald Road	Ellensburg
	nc	Blair	Lori A.	422767 SR 20	Usk
	nc	Boyd	Charly	P.O. Box 790	Stevenson
	nc	Christine	Scott	6690 Stines Hill	Cashmere
	nc	Corning	John	894 Highway 2	Leavenworth
	nc	Corning	Joshua	894 Highway 2	Leavenworth
	nc	Courtney	Dawn	P.O. Box 382	Castle Rock
	nc	Davey	Lonnie	15418 231st Avenue SE	Issaquah
	nc	Dietz	Clyde	191 Constantine Way	Aberdeen
	nc	Engvall	Mr. & Mrs. Brady	3714 Oyster Place E	Aberdeen
	nc	Farr	Ann K.	5124 - 1st Avenue NW	Seattle
	nc	Fawell	Stacy	433 15th Street	Bellingham
	nc	France	Clell & Barbara	P.O. Box 925	Wenatchee
	nc	Friedberg-Nerf	Judy	1600 Madrona Pt. Drive	Bremerton
	nc	Frost	Wayne	3320 N. Argonne	Spokane
	nc	Gates	Andrea	18215 72nd Avenue South	Kent
	nc	Gellings	Joseph	117 S. Main Street	Seattle
	nc	Glowacki	Maggie	700 Fifth Avenue, Suite 2000	Seattle
	nc	Goss	Scott	9226 1st Avenue NW	Seattle
	nc	Grafious	Mary		
	nc	Guinnes	David R.	P.O. Box 1222	Wenatchee
	nc	Hampton	Waikele	P.O. Box 1231	Wenatchee
	nc	Hedeen	Lenore	7821 NE 112th Street	Kirkland

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Commenter #	Comment Code	Last Name	First Name	Mailing Address 1	City
	nc	Hedglin	Lloyd	3312 Coal Case Road	Longview
	nc	Johnston	Deena	133 Timberline	Castle Rock
	nc	Katz	Christine	411 Washington Street	Wenatchee
	nc	Kaysen	Mike	615 Monahan Road	Castle Rock
	nc	Kimball	Allison	411 N. Ruby, Suite 2	Ellensburg
	nc	Kurbitz	Jim	504 E. 14 Avenue, Suite 200	Olympia
	nc	Leber	John	240 Tennant Way	Longview
	nc	Marat	Katherine	1550 Alder Street NW	Ephrata
	nc	Mason	Michael	128 N 2nd Street	Yakima
	nc	Matson	Linda	1500 Lake Park Drive SW #21	Olympia
	nc	Mayhew	Miles		
	nc	McCracken	Annie	8339 NE Juanita Drive	Kirkland
	nc	McCracken	Ben A.	8339 NE Juanita Drive	Kirkland
	nc	McDonald	Jana	5111 E Broadway	Spokane
	nc	McOrton	Joan	P.O. Box 1304	Seahurst
	nc	Meile	Bernard H.	P.O. Box 467	Oakville
	nc	Millspaw	Robert	P.O. Box 128	Longview
	nc	Mitchell	Mark	900 Oakesdale Avenue SW	Renton
	nc	Nerf	R.B.	1600 Madrona Pt. Drive	Bremerton
	nc	Noerenbieso	Chan	1015 Hazel Dell Road	Castle Rock
	nc	Nofziger	Elmer	322 King Road	Silver Lake
	nc	Orgel	Linda	1128 State Route 105	Aberdeen
	nc	Paleberg	Brian	1128 Broadway	Longview
	nc	Parlette	Linda		Wenatchee
	nc	Peach	Brad	124 Monticello Drive	Longview
	nc	Peach	Susan J.	124 Monticello Drive	Longview
	nc	Phillips	Bud	2724 - 42nd Avenue	Longview
	nc	Rose	Scott	27313 NE Bennett Rd	Battle Ground
	nc	Rossotto	Michael	4053 NE 92nd	Seattle
	nc	Sears	Cliff	P.O. Box 908	Ephrata
	nc	Skinner	Ann	411 Washington Street	Wenatchee
	nc	St. Luise	Mick & Pat	1924 Lion Place	Wenatchee
	nc	Truscott	Keith	P.O. Box 1231	Wenatchee
	nc	Wavra	Cliff	411 Washington Street	Wenatchee
	nc	White	Sandy	1311 SE Grace Avenue, Suite 203	Battle Ground
	nc	Wolf	Keith	11232 320th Avenue NE	Carnation
	nc	Wolf	Margo	P.O. Box 719	Newman Lake
	nc	Zapletal	Jiri	9037 NE 143rd	Bothell
0175		Skipped Number			
0239		skipped number			
0240		skipped number			

Appendix D
A List Of Parties Who Have Conditionally Settled Litigation By
Endorsing The Proposal And Adoption Of New Statewide Shorelines Guidelines

1000 Friends of Washington,
Adams County
Associated General Contractors of Washington,
Association of Washington Business (AWB),
Basta Marine, Inc.,
Benella Caminiti,
Black Hills Audubon Society,
Building Industry Ass'n of Washington (BIAW),
Chelan County,
Chris Brown,
Citizens for Sensible Development,
Citizens Growth Management Coalition,
City of Hoquiam,
City of Ocean Shores,
City of South Bend,
Clark County Natural Resources Council,
Columbia County,
Doug Camenzind,
Ferry County,
Franklin County,
Fred Ellis,
Friends of Grays Harbor,
Friends of the San Juans,
Grant County,
Hood Canal Environmental Council,
Independent Business Ass'n of Washington,
Island County,
Jefferson County,
Kettle Range Conservation Group,
Kittitas Audubon Society,
League of Women Voters of Washington,
Mason County,
National Ass'n of Industrial and Office Properties,
National Audubon Society.

Appendix D
A List Of Parties Who Have Conditionally Settled Litigation By
Endorsing The Proposal And Adoption Of New Statewide Shorelines Guidelines

National Federation of Independent Business,
Northwest Marine Trade Ass'n,
Pacific County,
Pend Oreille County,
People for Puget Sound,
Rose Ranch,
Save a Valuable Environment,
Skagit County,
Stevens County,
Thurston County,
United Property Owners of Washington,
Wahkiakum County,
Washington Aggregates and Concrete Association,
Washington Association of Realtors,
Washington Cattleman's Association,
Washington Conservation Voters - Island County Chapter,
Washington Contract Loggers Association,
Washington Environmental Council,
Washington Public Interest Research Group,
Washington State Farm Bureau,
Washington State Grange,
Whitman County,
Wildlife Forever of Grays Harbor,

* [list omits some parties who signed the settlement late.]